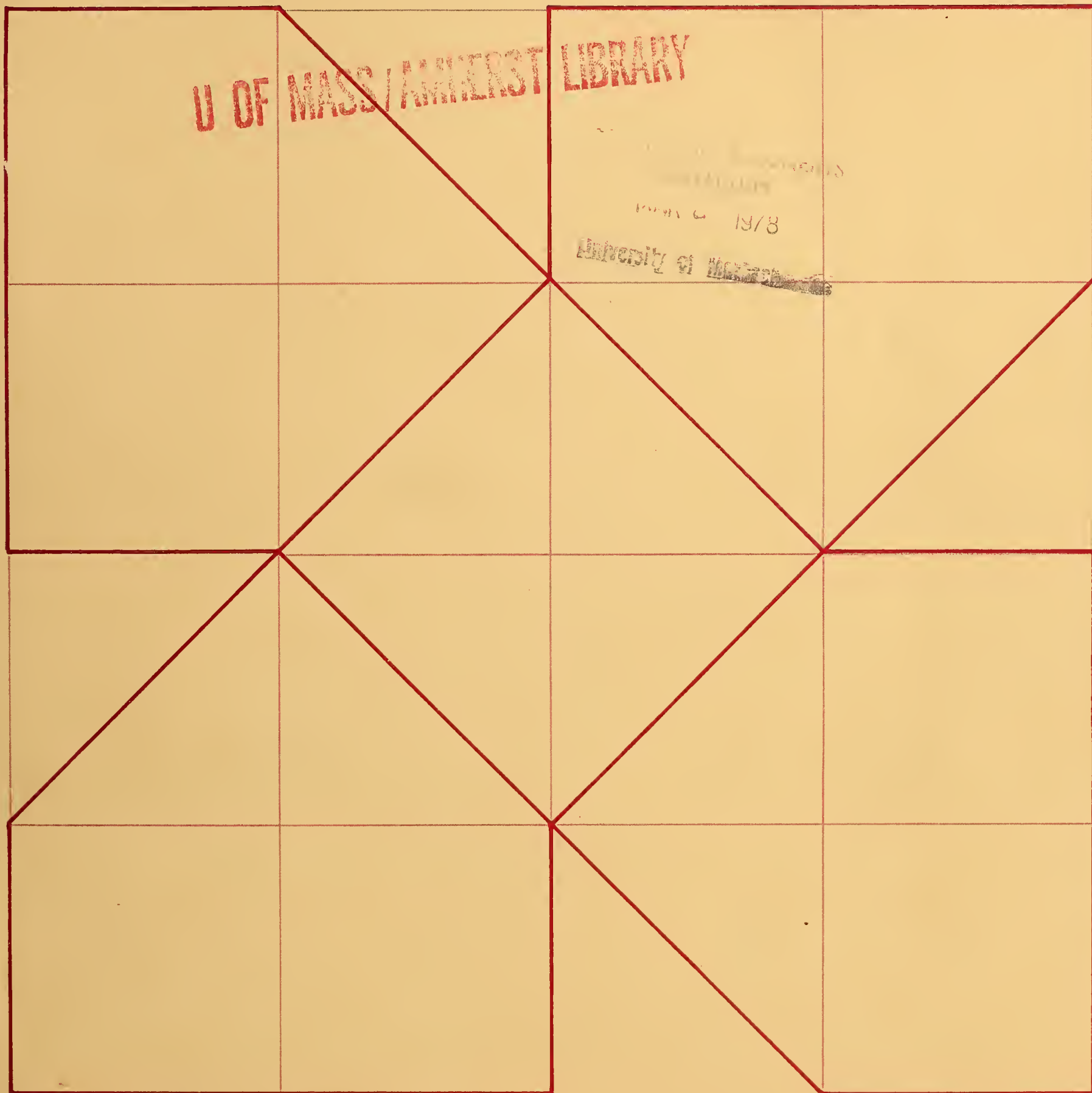


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# The Massachusetts Land-Use Element Summary Statement

January 1978



Commonwealth of Massachusetts  
Michael S. Dukakis, Governor

Office of State Planning  
Frank T. Keefe, Director

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## January 1978

This Statement is being Submitted to the U. S. Department of Housing and Urban Development in Compliance with PARTS 600.72 and 600.73 of the HUD 701 Rules and Regulations of the Comprehensive Planning Assistance Program as Authorized by the Federal Housing Act of 1954, as Amended.

The Preparation of this Document was Financed in Part through a Comprehensive Planning Assistance Grant from the U. S. Department of Housing and Urban Development under the Provisions of Section 701 of the Federal Housing Act of 1954, as Amended.

Commonwealth of Massachusetts  
Michael S. Dukakis, Governor

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# I. Introduction

This document represents the 'Massachusetts Land Use Element Summary Statement' prepared by the Office of State Planning for submission to the U. S. Department of Housing and Urban Development in compliance with Part 600.73 of the HUD 701 Rules and Regulations.

The Summary Statement describes how the Commonwealth of Massachusetts has satisfied the federal statutory requirements of the Land Use Element pursuant to Parts 600.67(2) and 600.72 of the HUD 701 Comprehensive Planning Assistance Program. The requirements are as follows:

## Policy Development Requirements

- Broad goals and annual objectives, in measurable terms whenever possible (24 CFR 600.67(b)).
- Long- and short-term policies, and where appropriate administrative procedures and legislative proposals, with regard to where growth should and should not take place (24 CFR 600.72(b)(1)).

- Type, intensity, and timing of growth (24 CFR 600.72(b)(2)).

### Implementation Requirements

- Studies, criteria, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place (24 CFR 600.72(b)(3) and (c)).
- Programs designed to accomplish the objectives and procedures including criteria set forth in advance for evaluating programs and activities to determine whether the objectives are being met (24 CFR 600.67(b)).

### Coordination Requirements

- Policies, procedures, and mechanisms necessary for coordinating local, areawide, and state land use policies with functional planning and capital investment strategies, when available, and improvements in governmental structures, systems, and procedures that will facilitate the achievement of land use objectives (24 CFR 600.72(b)(4)).

The organization of the above requirements has been slightly modified in order to simplify our presentation. Thus, the requirements relating to Policy Development, which are responded to in Section II of this report, are presented in the following order: broad goals; policies, including type, intensity, and timing of growth; strategies; annual objectives, and programs and procedures for achieving the objectives. Section III, Implementation Requirements, cites key studies, criteria, and implementing procedures and mechanisms for guiding and controlling growth-related decisions. Section IV, Coordination Requirements, presents mechanisms and procedures for coordinating local, areawide, and state land use policies and for facilitating achievement of the objectives.

The Summary Statement also includes the required Environmental Assessment (600.65(b)(1)(i-vii)), and the Historic Preservation Assessment (600.66(d)(1)(i-iv)). These assessment statements appear in Sections V and VI, respectively. Section VII presents assurances that the State Growth Policy objectives are consistent with the land use-related programs and plans cited in Section 600.73(c)(6)(i-iv) of the HUD 701 Rules and Regulations, including:



- the Massachusetts Coastal Zone Management Program as authorized under the Federal Comprehensive Management Program of the Coastal Zone Management Act of 1972, as amended;
- the Areawide Waste Treatment Management Planning Assistance Program (208) of the Federal Water Pollution Control Act Amendments of 1972;
- State Implementation Plan (SIP) Program of the Federal Clean Air Act, as amended; and
- the Standard Comprehensive Outdoor Recreation Plan, as authorized by the Federal Outdoor Recreation Program of the Land and Water Conservation Fund Act of 1965, as amended.

In addition to the above assurances, Section VII also contains assurances (not required by HUD 701 requirements) that the State Growth Policy is consistent with the state transportation planning program, the solid waste plan and state agricultural policies. The Massachusetts Housing Element Summary Statement is being submitted as a separate document prepared by the Massachusetts Department of Community Affairs in the Executive Office of Communities and Development.





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## II. Policy Development

"Broad goals...policies, including type, intensity, and timing of growth...strategies...annual objectives...programs...and procedures and criteria for achieving the objectives..."

The Massachusetts goals, policies, and strategies on growth identified below represent key areas of consensus reached between the communities, regions, and the state during the two-year statewide growth policy development process mandated under the Massachusetts Growth Policy Development Act, Chapter 807 of the Acts of 1975.

### A. Broad Goals

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Goal 1: Promote and enhance the environmental quality and character of the Commonwealth through the more efficient use and management of the state's physical, natural, and man-made resources.

- Goal 2: Promote the revitalization of the Commonwealth's city and town centers.
- Goal 3: Promote greater choice and equity among communities, households, and workers.
- Goal 4: Promote higher levels of economic growth and residential investment.
- Goal 5: Promote the stabilization of residential neighborhoods.
- Goal 6: Ensure the efficient distribution and effective use of public investments.
- Goal 7: Improve and strengthen the fiscal and management capacity of cities and towns in the Commonwealth.
- Goal 8: Maintain and improve the capacity of the regional planning process in the Commonwealth.
- Goal 9: Reduce local dependence on the property tax for financing municipal services.
- Goal 10: Promote and enhance the protection and preservation of prime agricultural lands in the Commonwealth.
- Goal 11: Ensure federal/state sensitivity to differences in community character, and local priorities and needs.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977) pp. 38-40, 50.
- Towards a Growth Policy for Massachusetts (OSP, October, 1975) pp. 20-57.
- An Act Providing for the Formulation of a Massachusetts Growth and Development Policy, Chapter 807 of the Acts of 1975. See Appendix 15.
- Massachusetts Growth Policy Process Chronology. See Appendix 16.

## B. Growth Policies

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- Policy 1: Location of Growth. It is the policy of the Commonwealth that growth should be channeled primarily into developed rather than outlying areas, especially into city and town centers, and discouraged in critical environmental areas, consistent with individual communities' willingness and ability to accommodate growth.
- Policy 2: Quality and Character of Growth. It is the policy of the Commonwealth that future growth and development shall be designated so as to (1) complement both the natural and the man-made environments; and (2) improve and enhance existing living and working conditions.
- Policy 3: Level of Growth. It is the policy of the Commonwealth to ensure that the overall level of future growth will be sufficient in quantity, quality, and distribution to provide adequate job and housing opportunities for all of our citizens.
- Policy 4: Timing of Growth. It is the policy of the Commonwealth that growth within each community shall be phased so that it will not unduly strain the community's ability to provide public facilities and services, so that it will not disrupt the social fabric of the community, and so that it will be in keeping with the community's desired rate of growth.
- Policy 5: Growth Management. It is the policy of the Commonwealth to promote responsible and effective growth management which will ensure: consideration of all relevant impacts, participation by all affected parties, consistency with adopted growth policies, and timely decision-making.
- Policy 6: The Local Role in Managing Growth. It is the policy of the Commonwealth that land use and growth decisions shall remain principally a local prerogative, and furthermore, that local decision-making shall be supported by, and not preempted by, higher levels of government.



Policy 7: The Regional Role in Managing Growth. It is the policy of the Commonwealth that the viewpoints of each region be given increased significance in decisions which affect the growth and development in those regions.

Policy 8: The State Role in Managing Growth. It is the policy of the Commonwealth that state government shall ensure that all of its actions support the desires of its citizenry for the future growth and development of Massachusetts.

The foregoing state policy objectives represent an attempt to respond to the complex problems produced by the patterns of dispersed growth and development prevalent over the past 30 years: the inefficient use of land; the excessive and unnecessary public and private costs ensuing from that inefficiency; the deterioration of all older centers; and an increase in associated costs, burdens, and inequities. Taken together, these objectives constitute a direct and comprehensive approach to: (1) fostering growth in those areas which are best equipped to support it (thereby reducing unnecessary costs); (2) promoting the most efficient use of natural and man-made resources; and (3) managing the timing, level, and location of future growth in relation to these public resources. While the emphasis of these objectives clearly relates to the efficient use and reuse of land and existing facilities in city and town centers, the promotion of center revitalization as a policy objective neither precludes nor discourages sensible forms of non-urban development. The magnitude of the growth pressures Massachusetts will be experiencing over the remainder of this century is such that nearly all communities must expect to participate to some degree in the accommodation of growth. Although state policy is directed towards enabling our older city and town centers to retain an increasing share of this growth, much of the Commonwealth's future growth is certain to occur in non-urban locations. (For example, the greatest pressures for new residential development will likely be felt in suburban communities, especially those on the fringes of urban areas which have not experienced extensive earlier growth and where undeveloped land is still available.)

Thus, while specifically emphasizing urban revitalization, state growth and development policies must also be seen as a response to the problems associated with the management of growth in all areas of the Commonwealth. For suburban areas, this means that, rather than proposing any



limitation on growth, these policies suggest ways to successfully manage growth within the objectives and capacities of the suburban communities themselves, ensuring that adverse effects of growth are avoided, that community character is preserved, and that community revenue remain adequate to carry the costs of necessary services. The state policy recommendations of the Growth Policy Report support local growth management objectives to these ends:

Under The Location of Growth, the state policy recommendation states:

- "The growth of any specific area should be in keeping with its character and its capacity for growth. The appropriate character of an area (whether developed or undeveloped) should be determined by the respective city or town in which it lies. The capacity of an area for growth should be based on: (1) the availability of public facilities (such as sewer, water, transport, schools, etc.), either existing or planned; (2) the physical features and carrying capacity of the land and surrounding environs; and (3) the ability of governmental institutions to efficiently provide needed services."
- The Timing of Growth: "It is the policy of the Commonwealth that growth within each community shall be phased so that it will not unduly strain the community's ability to provide public facilities and services, so that it will not disrupt the social fabric of the community, and so that it will be in keeping with the community's desired rate of growth."
- The Local Role in Managing Growth: "It is the policy of the Commonwealth that land use and growth decision shall remain principally a local prerogative, and furthermore, that local decision-making shall be supported by, and not preempted by, higher levels of government."

In short, Massachusetts' growth policy assumes that the suburbs will continue to absorb a significant share of the Commonwealth's future growth and development. State policy objectives do not question whether growth will occur but how it will occur and what role government, especially local government, can play in the decisions relating to the location of growth within individual communities.

It is also important to note that Massachusetts' emphasis on center revitalization has important non-urban im-

plications. First, suburban communities share, in many ways, the fate of their core cities, for they experience the migration pressures resulting from urban deterioration. The balancing of growth pressures which will result from extensive urban revitalization strengthen the ability of suburban communities to effectively manage their own future growth. In the past, "in come communities . . . so much growth in so little time meant that growth management systems were overburdened and, in some cases, actually broke down. Property taxes increased without control as new facilities and services were needed all at once. The physical character of the community radically changed, too often for the worse, and natural resources were irretrievably lost. All of this could have been avoided with advance planning, more widespread sharing in the accommodation of growth pressures, and more gradual growth in individual communities consonant with the capacity of the community to plan for and provide the facilities and services necessary for growth."

And second, while emphasizing urban areas, Massachusetts' center revitalization policy is not limited to urban areas alone; it includes all community centers, including suburban and rural ones. These centers, no less than urban ones, have suffered from the effects of highly dispersed patterns of development. The proliferation of strip development, the decentralized and costly need for public services and facilities, the economic impact on existing commercial centers have often strained suburban fiscal capacities, usurped land for more desirable development, and affected the community's social and economic well-being. Here too, the Growth Policy Report suggests that " . . . by encouraging most of the increase in people and jobs in suburban and rural towns to locate in or adjacent to their centers, the identity of these communities will remain separate and distinct from their neighbors and the role of their centers in the life of the community will be enhanced."

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977) pp. 36-38, 50, 52, 53, 60-62, 64, 77.
- Towards a Growth Policy for Massachusetts (OSP, October 1975) pp. 4-17, 20-34, 38-43.



## Type, Intensity, and Timing of Growth

- Type of Growth. The State Growth Policy Report addresses growth type in two ways. First, the Growth Policy recommendations seek to promote residential and commercial growth in existing city and town centers, to promote new commercial and industrial growth and development within or near existing population and employment centers, and to promote development that will suitably utilize existing city and town center buildings and facilities. Further, the Growth Policy recommendations specifically seek to discourage inappropriate growth in critical resource and environmental areas, including agricultural land. These objectives are further defined and supported by Growth Policy recommendations relating to the location, quality, and character of growth and Action Recommendations #1 through #11 and #17 through #21. Second, the Growth Policy recommendations promote growth types consistent with (a) the ability and willingness of a community to accommodate that growth; and (b) the consistency of that growth with the existing character of a community. In this case, local communities bear the basic responsibility of determining the type of growth most suitable to their needs, their fiscal and physical capacity, and the character of the community. State Growth Policy Action Recommendations #26 through #31 are intended to strengthen and support the ability of local governments to make and implement such judgments.
- Intensity of Growth. The State Growth Policy recommendations relating to intensity, i.e., to the Level of Growth states: "It is the policy of the Commonwealth to insure that the overall level of future growth will be sufficient, in quantity, quality, and distribution, to provide jobs and housing opportunities for all of our citizens." Locationally, State Growth Policy recommendations seek to promote an intensity of growth (a) consistent with a community's willingness and ability to accommodate that growth; (b) consistent with local growth policy objectives and growth management decisions; and (c) consistent with all other State Growth Policy recommendations and objectives, especially those relating to the Timing of Growth and Management and Action Recommendations #26 and #27.

- Timing of Growth. The State Growth Policy relating to the Timing of Growth states: "It is the policy of the Commonwealth that growth within each community shall be phased so that it will not unduly strain the community's ability to provide public facilities and services, so that it will not disrupt the social fabric of the community, and so that it will be in keeping with the community's desired rate of growth." This policy is consistent with local growth policy statements supporting local management of the rate of future growth and state policy and action recommendations (#26 through #31) supporting and promoting that role.

### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977) pp. 10, 39, 50, 61-62.

## C. Strategies

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The following strategies are designed to achieve and facilitate implementation of the state growth policies identified above.

Strategy 1: Revitalize downtown centers, especially those in depressed urban areas.

- Ensure that state and federal public investment and construction grant programs give maximum priority to the revitalization of community centers, especially the centers of urban areas.
- Encourage cities and towns to initiate center revitalization programs.
- Establish a Massachusetts Heritage Trust Advisory Commission to foster the identification, preservation, and development of the unique and unusual resources in centers, both natural and man-made.

Strategy 2:     Rehabilitate and stabilize older residential neighborhoods.

- Modify state housing programs to encourage neighborhood preservation by stimulating private investment through state-assisted programs of housing rehabilitation, rental assistance, mortgage and interest subsidies, and insurance.
- Provide overall programs for neighborhood maintenance, improvement, and protection.
- Prohibit geographic discrimination in lending decisions.
- Modify administrative procedures and file legislation to reduce arson.
- Expedite the transfer of tax-delinquent property to new productive use.

Strategy 3:     Rehabilitate and adaptively reuse older deteriorating buildings.

- Establish local building recycling programs.
- Revise the State Building Code to encourage the rehabilitation of existing buildings.
- Amend Chapter 121A to provide greater flexibility and to encourage its use for building rehabilitation.

Strategy 4:     Increase and expand job opportunities.

- Include expansions under the Urban Job Incentive program.
- Coordinate the Urban Job Incentive and Chapter 121A programs.
- Expand mortgage financing for urban revitalization projects.
- Establish Comprehensive Review Councils to consolidate the local development permit process.



- Enact measures to facilitate financing for new jobs.

Strategy 5: Preserve and protect prime agricultural lands.

- Establish an acquisition of development rights program.
- Authorize a transfer of development rights program.

Strategy 6: Protect critical environmental areas such as wetlands, scenic rivers, and the coastline.

- Provide adequate funding to prepare a uniform mapping system for wetlands protection.
- Implement the Scenic Rivers Act.
- Encourage coastal communities to revise local policies, zoning by-laws, subdivision controls, etc., to conform to the Coastal Zone Management program.

Strategy 7: Conserve existing and potential water resources.

- Continue implementation of the statewide water conservation program.
- Encourage water supply self-sufficiency.
- Provide state intervention as a "last resort."
- Apply a total systems approach to water resources.

Strategy 8: Manage growth efficiently and responsibly.

- Encourage communities to establish a growth phasing and sharing program.
- Increase the capacity of communities to prepare and implement Local Growth Programs.

- Empower more effective local control over development around new highway interchanges.
- Require the state Division of Water Pollution Control to size and locate sewer facilities in compliance with local growth policies and plans.
- Revise design standards of Chapter 90 and other local highway assistance programs to allow communities to maintain and repair roadways consistent with local character.
- Clarify the definition of "cluster development" in the Zoning Enabling Act.

Strategy 9: Improve the management capacity of the regions.

- Submit enabling legislation to allow regional planning agencies to exercise control over developments of regional impact and/or areas of critical environmental concern.
- Initiate a thorough evaluation of county government.

Strategy 10: Reform the local property tax system.

- Provide state assistance to communities in controlling and stabilizing local expenditures.
- Commit a substantial portion of increases in state revenues to local property tax assistance.
- Share property taxes generated by new non-residential development among communities.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977) pp. 63-85.

## D. Objectives and Programs for Growth Policy Implementation

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### 1. Community Center Revitalization

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Urban sprawl and the dispersal of population and jobs away from city and town centers has threatened the distinctive character and fiscal well-being of many communities in the Commonwealth of Massachusetts. The continued vitality of these centers is essential not only to the cities and towns of which they are a part, but to the ability of rural and suburban communities to effectively manage their future growth. Accordingly, and consistent with the state growth policy and strategies for urban revitalization, all state and federal grant programs and construction funds--for roads, rapid transit, sewers, parks, schools, and housing--should give maximum priority to projects in community centers. Since the publication of Towards a Growth Policy in 1975, state government has realigned many of its own public investment programs--programs that too often were insensitive to local desires and community character and that fostered sprawl development patterns to the detriment of city and town centers. Examples of state public investment programs which have been overhauled include: elderly housing--now being located in downtown areas with preference for the adaptive reuse of existing buildings; park funds are being targeted in urban communities as part of neighborhood improvement programs and downtown projects; state offices are being located in downtown areas, and where possible, in rehabilitated buildings. In short, a state center revitalization program is already in place. But this program cannot be successful unless (1) localities take advantage of this new opportunity to adapt and combine state public investment programs into locally-devised center revitalization programs; and (2) the federal government cooperates with state government to guarantee that federal construction grants are used flexibly to spur the revitalization of community centers.

#### Supporting Documentation

- Towards a Growth Policy for Massachusetts (OSP, October 1975) pp. 11-16, 20-51, 61-74, 84-99.
- City and Town Centers: A Program for Growth (OSP September 1977) pp. 50, 52, 60, 61, 63-73.



## 1978-1979 Objectives

- Objective 1: To maximize the use of, and if necessary institute changes in, key public sector investments for revitalizing city and town centers.
- Objective 2: To provide assistance to cities and towns in the Commonwealth seeking aid in improving and revitalizing community centers.
- Objective 3: To provide effective interagency and inter-governmental coordination at all levels in community center development projects.
- Objective 4: To improve communication between the public and private sectors with regard to revitalization of downtown centers.

## Programs

The following programs are designed to achieve the above objectives.

1. Housing Programs. Administered by the Massachusetts Department of Community Affairs, in the Executive Office of Communities and Development, and the Massachusetts Housing Finance Agency. The key programs include: Family Housing (Chapter 705 M.G.L.); Housing for the Handicapped (Chapter 689 M.G.L.); Rental Assistance Program on Housing Rehabilitation (Chapter 707 M.G.L.); Elderly Housing (M.G.L. Chapter 667, including Chapter 996 of the Acts of 1978 which authorizes about \$100 million for elderly and handicapped housing projects). DCA is in the process of developing guidelines for the distribution of these funds. The guidelines will emphasize priority consideration for downtown centers.
2. Recreation and Open Space Program: the Statewide Comprehensive Outdoor Recreation Plan is administered by the Department of Environmental Management as authorized by the federal Land and Water Conservation Fund Act of 1965. The Plan provides

a framework for policy and investment decisions by all providers of recreation opportunity in the Commonwealth. A new SCORP Plan is being prepared for 1978 certification by the U. S. Department of Interior. The basic policies and project selection criteria of the SCORP Plan emphasize the need to assign high priority to those projects which, among other factors, respond to recreational demands in high density areas, maximize impact of public and private investments, and rehabilitate intensively-used areas.

3. Massachusetts Self-Help Program is administered by the Division of Conservation Services in the Executive Office of Environmental Affairs. The program provides financial assistance to communities with conservation commissions for the purpose of acquiring land for conservation and passive recreation. Under the program's new procedures, priority consideration will be given to those projects which are targeted to preserve natural resources in densely populated cities and towns. Also, new legislation was recently enacted authorizing the Secretary of Environmental Affairs to establish an 'Urban Self-Help Program' which will assist urban communities (with conservation commissions and park and recreation commissions) acquire land for municipal park and recreation purposes.
4. The Massachusetts Coastal Zone Management Program (1977) is administered by the Office of Coastal Zone Management in the Executive Office of Environmental Affairs, pursuant to the Federal Coastal Zone Management Act of 1972, as amended. The state's CZM Program has been submitted for approval by the U. S. Department of Commerce. If approved, the CZM Program will provide incentives for new development (in the coastal zone) to locate in existing urban and community centers, and maximize the use of prior infrastructure investments in development centers in the coastal zone.
5. The '3C' Transportation Planning Program was established by the Federal Highway Act of 1962 and the Urban Mass Transportation Act of 1974. The program is administered by the Bureau of Transportation



Planning and Development in the Department of Public Works, which is under the Executive Office of Transportation and Construction. The '3C' Program represents the basic planning framework for all modes of transportation in the Commonwealth. During the past two years, public investments in transportation have been directed towards helping city and town centers by providing direct access to nearby interstate or major arterial highway networks.

6. The State Economic Development Program is administered by the Office of State Planning in collaboration with the Governor's Development Cabinet. The program is in large part supported by funds from the U. S. Economic Development Administration and by the U. S. Department of Housing and Urban Development. The central themes of the state's Economic Development Program include encouraging economic growth, providing more well-paying job opportunities, and revitalizing the economy of city and town centers.
7. Historic Preservation Program is administered by the Massachusetts Historical Commission, a division within the Office of the Secretary of the Commonwealth. The Commission's program is coordinated with the local historical commissions and the National Park Service (established under the National Historic Preservation Act). The Commission's State Historic Preservation Plan addresses preservation needs on a statewide basis (including concern for man-made resources in urban centers). The effectiveness of the Commission's program for protecting historic and archaeological resources is due in part to continuing coordination and cooperation with public planning agencies at all levels.
8. Local Planning Assistance Programs: The Office of Local Assistance, Department of Community Affairs provides technical assistance and guidance to local governments in the areas of community development, planning, and fiscal management. The Office of Coastal Zone Management will also assist communities in the Coastal Zone in revitalizing downtown centers once the CZM Program has been approved by the U. S. Department of Interior. The

Office of State Planning will provide resource and policy coordination to ensure effective implementation of center rehabilitation projects. The Massachusetts Energy Policy Office in the Executive Office of Consumer Affairs provides technical assistance to local officials through its comprehensive energy conservation program. The Regional Planning Agencies are mandated by law (Chapter 40B and Special Acts M.G.L.) to assist member communities in strengthening local planning and management capacity.

### Supporting Documentation

- City and Town Centers: A Program for Growth (September 1977); see particularly pp. 41-45, 50, 60, 63-66.
- Massachusetts Housing Element: Summary Statement (1978) and supporting documentation.
- Towards a Growth Policy for Massachusetts (October 1975) pp. 28, 32-34, 64, 69, 74-76, 79, 81-83, 91-93.
- An Economic Development Program for Massachusetts (August 1976) pp. 19-28, 39, 40, 48, 55-56, 59.
- The Massachusetts Economic Development Planning Program for 1978-1979 presents a summary outline of the program's objectives; see particularly paragraphs A, C, F, G, and J. (Appendix 18)
- Massachusetts Statewide Comprehensive Outdoor Recreation Plan (1976); see Highlights of Urban Needs, Chapter 6, pp. 106-107; Policies, Frameworks, and Statewide Project Selection Criteria, Chapter 7, pp. 110-114. For a summary description of federal and state recreation investment programs see Actions, Chapter 8, pp. 116-125. The proposed 1978 SCORP policies are found in Appendix 2.
- The Massachusetts Self-Help Program; see Appendix 5.
- The Massachusetts Coastal Zone Management Program (March 1977) (volume I) pp. 275-302; Policy #35, p. 294, and Policy #36, p. 299. CZM Policies are found in Appendix 1.



- An Act Providing Assistance to Certain Urban Cities and Towns for Park and Recreational Purposes, Chapter 933 of the Acts of 1977, see Appendix.
- Preservation Programs of the Massachusetts Historical Commission (November 1976).
- Environmental Review: Historic Preservation (December 1976).
- A Guide to Programs, Personnel, and Publications, DCA Office of Local Assistance (July 1977), pp. 1-5.

## 2. Neighborhood Stabilization

Residential neighborhoods are essential building blocks for Massachusetts' cities and towns. Neighborhoods function as basic units of urban and suburban life, and provide the framework for many of the fundamental social and institutional relationships established by their residents. Stabilizing the physical condition of residential neighborhoods, and maintaining and improving their 'livability' must be a prime development objective of the Commonwealth. This is especially important for Massachusetts' urban centers, which house about half of the state's residents and where many neighborhoods are plagued by deteriorating housing stock and declining infrastructure and public service support. This underutilization of residential capacity would be particularly unfortunate given the surge in housing demand which appears imminent as a result of the aging of the post-war baby boom generation. During the next 20 years (1977-1997), the housing choices made by the baby boom generation will be a key factor in Massachusetts development. Therefore, planning for residential growth and development in Massachusetts must give maximum priority to the revitalization and stabilization of residential neighborhoods, especially in urban areas.

### Supporting Documentation

- Towards a Growth Policy for Massachusetts (OSP, October 1975) pp. 20-37, 91-93.

- City and Town Centers: A Program for Growth  
(OSP, September 1977) pp. 52-54, 60, 66-69.



### 1978-1979 Objectives

- Objective 1: To institute changes in existing housing programs and related laws in order to encourage and stimulate private investment in neighborhood revitalization projects.
- Objective 2: To develop appropriate measures which will prohibit mortgage lending institutions from discriminating against urban neighborhoods; reduce arson of older buildings; and expedite the transfer of tax-delinquent properties to new productive uses, all in an effort to assist in the revitalization and stabilization of residential neighborhoods in urban communities.
- Objective 3: To provide technical assistance and informational services to cities and towns to help them develop and implement programs for neighborhood improvement, maintenance, and protection.
- Objective 4: To provide and ensure effective intergovernmental coordination at the technical, management, and policy levels in neighborhood revitalization projects.

### Programs

The following programs are designed to achieve the above objectives.

1. Housing Programs. The Department of Community Affairs has established policies and strategies aimed at neighborhood revitalization and stabilization. The Department is also in the process of realigning existing state housing programs in order that they be consistent with state housing and growth policies on neighborhood revitalization.

2. Recreation and Open Space Programs. Four programs provide assistance and support for projects designed to increase recreational opportunities in high density deficiency areas of the Commonwealth. These programs include: the Statewide Comprehensive Outdoor Recreation Plan, which allocates federal funds under the Bureau of Outdoor Recreation Program; the State Self-Help Program; the Massachusetts Coastal Zone Management Program; and the proposed Urban Self-Help Program. The latter is specifically designed to assist urban communities in recreation and park development.
3. Economic Development Program. Revitalization and stabilization of residential neighborhoods represents one of the key objectives of the state's Economic Development Plan.
4. Wastewater Treatment Facilities Development. The Executive Office of Environmental Affairs will accord "highest priority" to 201 projects in existing urban areas or community centers (in the Coastal Zone) where water quality problems merit rehabilitation or new construction of treatment and collection facilities. Statewide guidelines for 201 project fundings are being formulated.
5. Local Technical Assistance. Local technical assistance in neighborhood revitalization projects will be provided by the Office of Local Assistance, the Office of Policy and Program Development, and the State Building Code Commission, all within the Executive Office of Communities and Development. The Office of State Planning will provide interagency coordination and policy guidance.

In addition to the above programs, the following actions will be necessary in order to achieve the objectives of the state's neighborhood revitalization program:

- a. Initiate legislation to modify the organizational structure of the Massachusetts Home Mortgage Finance Agency (MHMFA).



- b. Initiate legislation to enable the Department of Community Affairs to establish a local revolving fund program for community housing rehabilitation projects.
- c. Make CETA funds available for on-the-job training in housing rehabilitation, maintenance, and code inspection.
- d. Initiate legislation to amend the Massachusetts General Laws Chapter 59, Section 59, to require that no tax abatement be granted to non-owner occupied properties with major code violations.

#### Supporting Documentation

- An Economic Development Program for Massachusetts (August 1976), pp. 59, 60.
- City and Town Centers: A Program for Growth (September 1977), pp. 38, 39, 41-47, 66-69.
- Towards a Growth Policy for Massachusetts (October 1975), pp. 21-34, 44, 57, 58, 91.
- Housing and Neighborhood Strategies for Massachusetts (DCA, March 1977), pp. iv, I-1 through I-6; and IV-1 through IV-5.
- Housing Policy Statement for Massachusetts (DCA November 1975) Chapter V, see particularly paragraphs D, pp. 23-26; E, pp. 26-29; and F, pp. 30-32.
- The Massachusetts Housing Element: Summary Statement (1978) presents a summary of the Commonwealth's housing policies, strategies, goals, objectives, programs, and implementation procedures for satisfying the HUD 701 Housing Element Requirements (Section 600.70).
- Criteria for Selecting Housing Development Proposals, Massachusetts Housing Finance Agency (July 1977). See Appendix 11. This document presents MHFA's statutory goals, policies, threshold requirements, and 'bonus points' for selection of housing development proposals. See especially Section IV, Bonus Points. (MHFA will place special emphasis on sites "in developed neighborhoods where existing infra-

structure, facilities, and public improvements can be used and where communities have committed public funds to improve neighborhoods.")

- Massachusetts Statewide Comprehensive Outdoor Recreation Plan (December 1976) pp. 14, 104, 106, 107. For information on financing the SCORP Plan implementation, see pp. 116-126.
- State Self-Help Program, see Appendix 5.
- Massachusetts Coastal Zone Management Program, pp. 191-216, 295. A summary of CZM policies can be found in Appendix 1.
- An Act Providing Assistance to Certain Urban Cities and Towns for Park and Recreational Purposes, Chapter 933 of the Acts of 1977, see Appendix 16.

### 3. Adaptive Reuse of Older Buildings

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Centers and neighborhoods are composed of old and new buildings. A critical period in the life of any center or neighborhood occurs when the original uses and users of the buildings have moved on. The character and vitality of developed areas can survive only if these buildings can be adapted for new uses. Many deteriorating and vacant buildings which appear to have outlived their usefulness can be restored to satisfy a portion of new market demand for new residential, commercial, and industrial space. Rehabilitation and adaptive reuse are increasingly cost-effective alternatives to demolition and/or new construction, and offer the additional economic benefit of being more labor intensive. Moreover, rehabilitation and adaptive reuse can also serve as a basis for a major effort at recapturing lost tax revenues and job opportunities to urban areas. If the cost of new construction, suburban land, and energy continue to climb, urban locations for many sorts of social and economic activity will become increasingly attractive. The restoration of existing deteriorating buildings is one way to satisfy this demand without disrupting the surrounding community. Adapting buildings to meet market demands for which they were not initially intended extends the best principles of conservation to Massachusetts' built environment.

### Supporting Documentation

■ Towards a Growth Policy for Massachusetts (October 1975), pp.35-37, 91-93.

■ City and Town Centers: A Program for Growth (September 1977), pp. 69-71

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### 1978-1979 Objectives

Objective 1: Provide technical assistance and guidance to cities and towns in establishing coherent and implementable building rehabilitation and recycling programs.

Objective 2: Make changes in the State Building Code to provide for greater flexibility in structural rehabilitation and adaptive reuse of older and historic buildings.

Objective 3: Amend Chapter 121A M.G.L. to allow local governments to grant special incentives for building rehabilitation and to enable them to determine the level of taxation of these buildings.

Objective 4: Identify and compile data and information on all state-owned excess and surplus properties and ensure that their reuse and disposition is consistent with the state's growth policies and in compliance with established state administrative procedures.

### Programs

The following programs are designed to achieve the above objectives:

1. State Housing Programs. State housing policies, strategies, and programs for the rehabilitation and adaptive reuse of older buildings are presented in the DCA's Housing Element Summary Statement and described fully in the supporting reports and documents.



2. Economic Development Program. A key objective of the State's (EDA) Economic Development Program is to pursue the state policy for the rehabilitation and reuse of existing buildings as potential sites for commercial and industrial activity. Also, to ensure that all state agencies seeking new facilities give preference to existing buildings in downtown locations, as mandated in the Governor's Executive Order (#134).
3. HUD '701' Comprehensive Planning Assistance Program. Under this program, the Office of State Planning will encourage, coordinate, and participate in building rehabilitation and adaptive reuse projects to ensure conformity with state policies.
4. Historic Preservation Program. The Massachusetts Historical Commission has established a continuing program of technical assistance to local historical commissions in all aspects of historic conservation and development directed towards the adaptive reuse of historic buildings and structures.
5. Massachusetts Coastal Zone Management Program. The Office of Coastal Zone Management will act as an advocate for coastal communities in the solicitation of federal and state funds for the rehabilitation or adaptive reuse of older structures within existing urban and community development centers.
6. School Building Assistance Program. This program is administered by the School Building Assistance Bureau of the Department of Education in the Executive Office of Educational Affairs. The regulations and procedures governing this program have been recently amended to provide space allowance for community schools and for the rehabilitation of existing buildings consistent with state growth and economic development policy objectives.

In addition to the above programs, state government must initiate certain actions in order to achieve the above objectives. These actions will involve: changes in the

State Building Code to provide relaxation of certain requirements affecting building rehabilitation; and amendments to M.G.L. Chapter 121A to allow for greater flexibility in its provisions for building rehabilitation.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP September 1977), pp. 70, 71.
- Executive Order #134, signed by Governor Michael S. Dukakis, March 31, 1977, relative to: Promoting the Economic Revitalization of Downtown Centers of Cities and Towns by Establishing a Process for Locating Appropriate State Offices and Buildings in Such Areas.
- State Housing Element Summary Statement and supporting documentation prepared by the Massachusetts Department of Community Affairs (1978).
- Preservation Programs of the Massachusetts Historical Commission (MHC, November 1976).
- Massachusetts Coastal Zone Management Program (EOEA/OCZM, March 1977) p. 299.
- Office of State Planning HUD '701' Annual Overall Program Design (1977-1979), Section 202 Policy Implementation, p. 14.
- Office of State Planning (EDA) Economic Development Program (1978-1979), see Program's objectives in Appendix 18.
- Revised Regulations for the School Building Assistance Act, M.G.L. Chapter 645, as amended. House Bill #6109 (May 1977), see Appendix 20.

#### 4. Expansion of Job Opportunities

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The single most important task facing Massachusetts today is the revitalization of the state's economy. This means securing more jobs and higher incomes for the people of Massachusetts. To accomplish this task, Massachusetts



cannot afford to take a neutral or negative posture with regard to economic growth: we must aggressively seize opportunities for new economic activity and promote a better overall 'climate' in which to do business and make investments. Since the baby boom generation is now beginning to reach age 30, the rate of household formation over the next 20 years will be twice that of the previous two decades. This suggests that significantly more young families will be in need of good, stable jobs to achieve an adequate standard of living. Thus, a higher rate of job growth is essential if there is to be an adequate number of jobs for the state's growing population. To ask for less would imply the acceptance of diminished opportunity, lower incomes, higher unemployment, and a reduced tax base to support needed services. A cessation or even a substantial abatement of economic growth would have its most severe impact on that segment of the population which suffers most from chronic poverty and unemployment. Conversely, an increased level of economic growth in the right locations would greatly aid in the eradication of poverty and the provision of well-paying employment opportunities for the full spectrum of Massachusetts' working population.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 51, 71-73.
- An Economic Development Program for Massachusetts (OSP, August 1976), pp. 34-40, 60-63.

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#### 1978-1979 Objectives

- Objective 1: Assist communities streamline local development permitting requirements and procedures in order to expedite review and development proposals.
- Objective 2: Streamline the state's own development permitting requirements and procedures, especially those relating to critical environmental areas.



- Objective 3: Assess the economic impact of state capital expenditures on private sector investment decisions.
- Objective 4: Examine the state's business incentives and manpower programs in an effort to reinforce the state government's commitment to increasing job opportunities in economically depressed areas.
- Objective 5: Develop and implement programs which will help increase the supply and accessibility of private capital for business development and expansion especially in older urban centers and other developed areas.

### Programs

The following programs are designed to achieve the above objectives.

1. An Economic Development Program for Massachusetts (EDA). One of the key goals of this program is to provide more job opportunities and higher incomes for the residents of Massachusetts.
2. The Massachusetts Urban Job Incentive Program is administered by the Urban Job Incentive Bureau in the Department of Community Affairs. The purpose of this program is to develop a state-wide manpower employment and training system designed to expand and improve the skills of the work force, especially those within urban areas containing sections of substantial poverty.
3. Public Financing Programs for Business Development. Massachusetts offers a number of public financing programs for economic development. These programs are provided through a variety of public institutions including the Massachusetts Community Development Finance Corporation, the Massachusetts Industrial Mortgage Insurance Agency, the Massachusetts Business Development Corporation, the Industrial Development Finance Authorities, and the Economic and Industrial Development Cor-

poration. Key federal programs for business development are provided through the Small Business Administration, Farmers' Home Administration Business and Industrial Loans, Public Works and Development Facilities Program (Title I), and the Business Development Loan Program of the Economic Development Administration (Title II), and the Title IX EDA grant program for economic development and related activities (see Appendix 13).

In addition to the above programs, a number of measures should be enacted to facilitate expansion of new job opportunities. Examples of such measures include the formation of a Massachusetts Technology Development Corporation, a Massachusetts Lending Corporation, a Massachusetts Capital Resource Company, and a Massachusetts Communities and Industrial Development Agency.

#### Supporting Documentation

- An Economic Development Program for Massachusetts (OSP, August 1976), pp. 34-40, 48, 55-63, 65.
- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 43, 44, 46, 71-73.
- Public Financing Programs for Business Development in Massachusetts (OSP, 1977), 18 pp.

#### 5. Farmland Preservation

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Farming constitutes an ever diminishing share of Massachusetts' economic activity. And farmland is rapidly disappearing from rural as well as suburban communities in the state. Since World War II, the number of farms in Massachusetts has declined from 35,000 to less than 5,000. Also, the number of farmland acres has plummeted from over 2 million to less than 700,000 in the same period. What is more alarming is that if these trends continue, Massachusetts can expect to lose roughly 12,000 acres of farmland or about 100 farm businesses each year. Although these lands are major targets for development, they are extremely valuable in their current use and are not restorable to



agriculture once developed. Agriculture stimulates the state's economy and offers opportunities for greater self-sufficiency by providing a locally-produced supply of food for the state's residents. Environmentally, agriculture is significant because it safeguards the quantity and quality of groundwater, retaining flood plains, providing green areas which aid in maintaining high air quality, and preserving wildlife refuge. Aesthetically, farms are the last vestige of Massachusetts' historic rural character, a major factor in the attractive setting that entices residents and businesses to this area. In response to the rapid loss of farms in Massachusetts, legislation was recently enacted providing for the protection of agriculture by means of public purchase of the development rights of farmlands.

#### Supporting Documentation

- A Policy for Food and Agriculture in Massachusetts (EOEA/Department of Food and Agriculture, January 1976), pp. 4, 5.
- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 2, 16, 19, 28, 50, 56, 74.
- Towards a Growth Policy for Massachusetts (OSP, October 1975), pp. 9, 55.



#### 1978-1979 Objectives

- Objective 1: Assist and encourage communities in the Commonwealth to participate in the state's recently established program for the public acquisition of the development rights of farmlands.
- Objective 2: Determine the feasibility of utilizing state-owned lands of prime agricultural value for farming purposes.
- Objective 3: Provide technical assistance and guidance to low-income groups, elderly, and youth involved in community garden activities, and to promote and expand such activities throughout the state.



- Objective 4: Assist rural communities to improve and strengthen their ability to respond to agricultural land use problems.
- Objective 5: Improve and strengthen the state's capacity to respond to statewide agricultural-related problems and provide effective coordination between federal, state, regional, and local programs and policies impacting on rural development.

### Programs

The following programs are designed to achieve the above objectives.

1. Public Acquisition of Development Rights of Farmland Program. The program was established by Chapter 780 of the Acts of 1977, M.G.L., and will be administered by the Department of Food and Agriculture in the Executive Office of Environmental Affairs. The program is intended to assist the Commonwealth in the acquisition of agricultural preservation restrictions for land actively devoted to agricultural or horticultural uses. Cities and towns with conservation commissions will participate in the administration of Chapter 780 projects.
2. Community Gardens Program is administered by the Department of Food and Agriculture (EOEA), in cooperation with the Executive Office of Elder Affairs and the Massachusetts Agricultural Experiment Station of the University of Massachusetts at Amherst. This program focuses on making state-owned land available for community gardening projects pursuant to M.G.L. Chapter 20, ss. 13-19.
3. State Excess and Surplus Property Program is administered by the Executive Office for Administration and Finance in cooperation with the Office of State Planning and state property-holding agencies. Affected regions and communities are also allowed to participate in the reuse and disposition of surplus state properties.

4. Local Technical Assistance. Technical planning assistance in rural development is provided by the Department of Food and Agriculture, U. S. Soil Conservation Service of the Department of Agriculture, the Massachusetts Agricultural Experiment Station, DCA Office of Local Assistance, and the regional planning agencies. Policy and inter-program coordination is provided by the Office of State Planning. During the 1978-1979 program period, the State intends to participate in the federal Area Development Assistance Program of Section 111 of the Rural Development Act of 1972, which is administered by the Farmers' Home Administration (soon to be known as the Farm and Rural Development Administration).

#### Supporting Documentation

- A Policy for Food and Agriculture in Massachusetts (1976)
- City and Town Centers: A Program for Growth (1977)
- A Program to Assist Cities and Towns in the Acquisition of Agricultural Preservation Restrictions, also known as The Public Acquisition of Development Rights of Farmlands, see Chapter 780, Acts of 1977 M.G.L. in Appendix 4.
- Agricultural Land Use Base (May 1976 Bulletin No. 639) prepared by the Massachusetts Agricultural Experiment Station of the University of Massachusetts at Amherst. Describes the changes in Massachusetts' agricultural land use (1951-1971), and defines a procedure for identifying potential agricultural lands and their relative productivity based on soil capability and land use, pp. 13-31.
- Excess and Surplus Real Property (Executive Office for Administration and Finance, Administrative Bulletin No. 77-10, October 28, 1977), Section VII, p. 3. See Appendix 3.

## 6. Protection of Wetlands, Scenic Rivers

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Massachusetts' finite natural resources must be protected and preserved to the maximum extent feasible, not only because they are intrinsically valuable, but because, well managed, they can make an immeasurable and largely renewable contribution to Massachusetts' growth and development. Primary among Massachusetts' environmental concerns must be the protection of its critical resource areas. Some of these areas need to be protected from any and all development, others need to be protected from certain forms of development. The more critical resource areas which require special attention include: wetlands (both inland and coastal), flood plains and tidal hazard areas, scenic rivers, and the coastline areas, among others. Accordingly, some of these critical resources need to be identified and mapped at a statewide basis, and appropriate policies and procedures should be formulated and implemented systematically. Although the preservation of critical resource areas may constrain few specific development opportunities, its overall effect will be to expand both the quantity and quality of development opportunities in Massachusetts.

### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 40, 60, 63, 75.
- Towards a Growth Policy for Massachusetts (OSP, October 1975), pp. 52-54, 58-60.
- Massachusetts Coastal Zone Management Program (EOEA/OCZM, May 1977), pp. 21-34.

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### 1978-1979 Objectives

Objective 1: To develop a statewide uniform system for the identification, designation, and mapping of wetland areas as defined under Chapter 131, Section 40 of the Massachusetts General Laws.



- Objective 2: To carry out the state scenic rivers programs in accordance with the State Scenic Rivers Act of Chapter 21, Section 17B of the Massachusetts General Laws.
- Objective 3: To assist coastal communities in revising their land use plans and regulations so that they conform with the policies and objectives of the state's Coastal Zone Management Program.
- Objective 4: To provide technical assistance to cities and towns in establishing floodplain districts and in developing appropriate regulations for protecting these areas.
- Objective 5: To provide implementation and ensure compliance by state agencies of the Federal Administration's Rules and Regulations (Section 1910.12) governing protection of flood hazardous areas.

#### Programs

The following programs are designed to achieve the above objectives.

1. State Coastal and Inland Wetlands Restriction Program (M.G.L. Chapter 130, Section 105 and Chapter 131, Section 40A) is administered by the Department of Environmental Management (EOEA). The DEM Commissioner is authorized, after a public hearing, to restrict from alteration certain wetland areas in order to protect public health and safety. DEM is presently carrying out a comprehensive wetland mapping project intended to identify and delineate those wetland areas which should be restricted from development. The State Growth Policy Report (see action recommendation #19) recommended additional funding for completing this mapping effort. Funds under the CZM Program have also been provided to delineate wetlands restriction areas in the coastal zone.

2. State Wetlands Protection Program is administered by the Department of Environmental Quality Engineering (EOEA), pursuant to M.G.L. Chapter 121, Section 40. The Act gives local conservation commissions the authority to review proposals for projects affecting wetlands. The maps to be produced under the Wetlands Restriction program will be used by DEQE and local conservation commissions and other public bodies to facilitate and coordinate activities relating to wetland protection and restriction.
3. State Scenic Rivers Program is administered by DEM/EOEA. This program provides for the designation and restriction of rivers for scenic and recreational purposes pursuant to the Scenic and Recreation Rivers Act, M.G.L. Chapter 21, Section 17B.
4. The Massachusetts Coastal Zone Management Program is administered by the Office of Coastal Zone Management in the Executive Office of Environmental Affairs. The CZM program provides a comprehensive policy framework to guide public and private actions in the use and management of coastal zone's critical areas.
5. National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as amended. The Division of Water Resources in the Department of Environmental Management is the designated State Coordinating Agency under Section 1909.1 and Section 1910.25(3) of the Federal Insurance Administration's Rules and Regulations. The Division is responsible for determining areas in the Commonwealth which may be eligible for hydrological ratemaking studies in making flood insurance available to the Commonwealth's cities and towns.
6. EPA '208' Wastewater Treatment Management Program. '208' water quality plans are being developed by the 'designated' and 'delegated' regional planning agencies. At the state level, the Department of Environmental Quality Engineering has primary responsibility for the management of the '208' pro-

gram. The Office of State Planning is responsible for providing overall policy guidance and coordination between the '208' planning program and the state growth policy process. This program is also being monitored and coordinated by the Office of Coastal Zone Management to ensure that the areawide '208' plans are consistent with the Coastal Zone Management policies and objectives.

7. Local Technical Assistance Program. Assistance to cities and towns for critical area planning and protection is provided by a number of agencies including: DEM, DEQE (state and DEQE regional offices), OCZM, Department of Community Affairs, and the regional planning agencies. The Water Resources Commission (DEM) provides assistance regarding flood insurance activities.

#### Supporting Documentation

- Massachusetts Coastal Zone Management Program (March 1977). pp. 43-102, 280-283.
- City and Town Centers: A Program for Growth (September 1977). pp. 66 and 75.
- See also RPA's Areawide Wastewater Management Plans ('208').

#### 7. Water Resources Management and Conservation

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The conclusion developed in the study completed recently by the Executive Office of Environmental Affairs, entitled, Massachusetts Water Supply Policy Study, is that the Commonwealth must adopt a comprehensive water strategy that achieves a reasonable and equitable balance between resource use and its protection and conservation. For too long, water has been perceived as abundant and unlimited, and has been used, misused, and manipulated as short-term needs required. Water will continue to play a major influence in Massachusetts' growth and de-



velopment, and conservation of this resource will become increasingly important. Surface water will continue to be the primary source for large systems. Additional use can be made of ground water for local supplies and to back-up regional supplies. Intensive conservation efforts and public education to change water use habits will be needed. More important, technical assistance and financial aid to the Commonwealth's cities and towns will become increasingly significant. Many water distributing systems are antiquated and malfunctioning, and, therefore, are susceptible to breakdowns. The new Federal Safe Drinking Water Act will impact these systems particularly, requiring modernization and treatment. Clearly, there is no magical answer to future water supply needs. Demand for water is expected to increase steadily in the next two decades due to growth and economic development. If the Commonwealth's goal is to assure the long-term availability of water resources to meet anticipated needs, its judicious control, management, and allocation is essential.

#### Supporting Documentation

- Massachusetts Water Supply Policy Study (EOEA, January 1977), pp. 16-34, 155-176.
- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 76 and 77.



#### 1978-1979 Objectives

- Objective 1: Develop a detailed statewide water resource data base and guidelines for facilitating consistency in the development and implementation of water-related plans and policies at the state, regional, and local levels.
- Objective 2: Establish an accelerated program of advance acquisition of reservoir sites with priority to be given to those localities where water deficiencies are projected to become critical in the future.

- Objective 3: Provide water resources technical assistance to local water utilities, conservation commissions, and other water-related agencies, and increase 'water consciousness' within the state.
- Objective 4: Develop a comprehensive water resource planning process built upon the priority action recommendations set forth in the Massachusetts Water Supply Policy Study.
- Objective 5: Establish a process for identifying and periodically reviewing priorities of public investment programs impacting upon water resource management and conservation efforts.

#### Programs/Actions

The following programs and actions are designed to achieve the above objectives.

1. Federal Water Resources Investigations Program is administered by the Water Resources Division of the U. S. Geological Survey. This program provides technical assistance and data and maps related to water resources.
2. Federal Soil and Water Conservation Program is administered by the U. S. Department of Agriculture, Soil Conservation Service. This program provides technical assistance and advice to state, regional, and local agencies on land use and treatment of water and sewer facilities. SCS also prepares detailed and interpretive soil maps on existing and potential reservoir sites.
3. Federal Water Supply Program is administered by the Department of Defense, U. S. Army District Engineers. This program provides for investigation, planning, and construction of water supply storage capacity in proposed and authorized reservoirs for flood control and other water-related purposes.
4. Federal Drinking Water Supply, Technical Assistance Program is administered by the U. S. En-



vironmental Protection Agency. This program provides technical assistance to public bodies to assure that existing and proposed water supply systems meet national standards for the protection of public health.

5. Federal Public Water System Supervision State Program Grant is administered by the U. S. Environmental Protection Agency. This program provides assistance in the development of state plans and programs to facilitate implementation of the Federal Safe Drinking Water Act (P.L. 93-523).
6. Federal Community Development Block Grants/Entitlement Grants Program is administered by the U. S. Department of Housing and Urban Development, Community Planning and Development. Among the various types of assistance for community planning and development, this program also supports programs for water supply facilities development.
7. Massachusetts 'Self-Help' Program is administered by the Division of Conservation Services in the Executive Office of Environmental Affairs. This program provides financing assistance to cities and towns for open space acquisition including such things as water impoundments or wells.
8. Massachusetts Water Favorability Studies Program is administered by the Massachusetts Water Resources Commission, Division of Water Resources in the Department of Environmental Management (EOEA).
9. Massachusetts Coastal Zone Management Program is administered by the Office of Coastal Zone Management in the Executive Office of Environmental Affairs. This program will provide, once approved by the U. S. Department of Commerce, technical assistance and support to coastal communities for the protection and management of coastal critical resources.

In addition to the above programs, the following actions are necessary in order to achieve the state's water resource management and conservation objectives.



1. The Metropolitan District Commission should enforce the provisions of M.G.L. Chapter 92, Section 28, 29, and 30, which require comprehensive metering, meter maintenance, and meter replacement, among other things.
2. Establishment of a water resources and conservation assistance office within the Executive Office of Environmental Affairs to develop and coordinate a state water conservation information effort and provide technical assistance to cities and towns and other major water users.
3. All 'self-help' program applications should be evaluated to determine their impact on protecting critical watersheds, recharge areas, and important future reservoir sites.
4. The Massachusetts Clean Waters Act should be amended to provide funding for water purification plants.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 76 and 77.
- Massachusetts Water Supply Policy Study (EOEA, January 1977), pp. 111-128.
- Massachusetts Coastal Zone Management Program (OCZM/EOEA, March 1977), pp. 114, 122, 294, 295, 297, 335-337.

#### 8. Growth Management

Between 1951 and 1970, urban land uses in Massachusetts grew from 420,000 to 780,000 acres, an increase of more than 85 percent. During the same period, the state's population increased by only 20 percent. These trends suggest that the growth which occurred during that single 20-year period consumed four times the land (per capita)

required by all previous development. For the most part, this growth took place in those communities which least expected to grow and were unprepared to face it--primarily the rural and suburban communities within or in the fringes of metropolitan areas. And it occurred at the expense of those communities now desiring an increased level of growth and economic development. Growth is clearly essential to the future vitality of the state. It must be encouraged and accommodated in those areas where it will be consistent with a community's ability and capacity to absorb it. While nearly all communities must expect to participate to some degree in the accommodation of growth, by sensitively managing these pressures, Massachusetts can largely avoid the deleterious impacts which rapid and haphazard growth has had in the past. The sprawling development patterns of the past 20 years need not continue to shape the future of the Commonwealth's cities and towns. With proper growth management, the growth pressures which Massachusetts will face in the coming decades can be accommodated in a manner advantageous to city and town alike. The location, quality, level, and timing of growth must be compatible with local, regional, and statewide growth policies. However, the growth of any specific area should be in keeping with its character and with its capacity to absorb it.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 4, 5, 8-11, 14, 35-42, 51-53, 60-62, 77-81.
- Towards a Growth Policy for Massachusetts (OSP, October 1975). For a discussion on growth problems and issues in Massachusetts, see pp. 4-19. For an analysis of state public actions influencing growth and development patterns, see pp. 61-83.
- Perspectives on Growth: Excerpts from Local Growth Policy Statements (OSP, January 1977), pp. 7-28, 41-53, 65-72.
- Massachusetts' Changing Population (OSP, February 1978, draft).



### 1978-1979 Objectives

- Objective 1: Improve and strengthen the state's decision-making and coordination process in order to ensure efficient implementation of public actions impacting on growth and economic development.
- Objective 2: Assist cities and towns in the Commonwealth to improve and strengthen their ability to manage the location, quality, level, and timing of growth, and to work cooperatively with neighboring communities to minimize adverse impacts.
- Objective 3: Assist and encourage communities to establish local growth phasing and sharing programs.

### Programs

The following programs are designed to achieve the above objectives.

1. HUD '701' Comprehensive Planning Assistance Program is administered by the U. S. Department of Housing and Urban Development. This program assists states, municipal governments and area-wide agencies to carry out various land use and management-related activities and programs including: comprehensive planning, housing planning, growth management, local technical assistance, intergovernmental coordination, and governmental capacity building.
2. Massachusetts Coastal Zone Management Program is administered by the Office of Coastal Zone Management in the Executive Office of Environmental Affairs. If approved by the U. S. Department of Commerce, the state's CZM Program will provide increased opportunities for local technical assistance to coastal communities relative to the protection and management of coastal resources.
3. The State Growth Policy Implementation Program is administered by the Office of State Planning in cooperation with other state agencies, local governments, and regional planning organizations.



The Office of State Planning will provide over-all coordination to ensure that the policies and action recommendations developed under the State's Growth Policy Development Process are implemented.

4. Wastewater Treatment Management Program ('208') is administered by the Department of Environmental Quality Engineering in the Executive Office of Environmental Affairs. The areawide '208' plans, once completed, will provide the state and localities with the basic tools for areawide wastewater management. Also, DEQE, through its Division of Water Pollution Control, is responsible for awarding state and federal grants (EPA '201' funds) for the construction and improvement of sewage treatment work, and collection systems. In the award of such funding, the Division will give priority consideration for the construction or upgrading of facilities in existing development centers so that continued growth and development can be ensured in these areas. Criteria and procedures for the allocation of funding for 201 projects will be finalized by DWPC in cooperation with the OSP and other agencies in 1978.
5. Housing Development Programs are administered by the Department of Community Affairs, in the Executive Office of Communities and Development, and in cooperation with local housing authorities, non-profit and limited dividend corporations.
6. Transportation Planning and Development Program is administered by the Bureau of Transportation Planning and Development of the Department of Public Works. The state's transportation planning process involves the Corridor and the Regional Planning Studies being carried out by the regional planning agencies under agreement with BTP&D.

In addition to the above programs, the following actions are also necessary in order to achieve the growth management objectives.

1. Initiate legislation enabling communities to establish a growth phasing system.

2. Initiate legislation enabling communities to create local community development departments.
3. Modify existing procedures and criteria for sizing and locating sewer and wastewater treatment facilities so that they comply with local growth policies and plans.
4. Revise design standards of Chapter 90 M.G.L. and other state highway assistance programs to allow communities to maintain local roadways consistent with local land use plans and policies.
5. Amend the State Zoning Act, Chapter 808 of the Acts of 1977, to clarify the definition of "Cluster Development" whereby a municipality may allow for density bonuses in cluster developments.
6. Initiate legislation empowering cities and towns to control development around new highway interchanges.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 60-62, 77-81.
- Massachusetts Coastal Zone Management Program (OCZM, March 1977), pp. 293-302.
- State Housing Element: Summary Statement (DCA, 1978).
- State '701' Annual Overall Program Design: 1976-1977 (OSP and DCA).
- Regional Planning Law M.G.L. Chapter 40B and Special Acts, pp. 3, 5, 14, 24, 36, 44, 52, 56, 60.

## 9. Regional Planning

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Growth-related problems frequently extend beyond municipal boundaries. And sometimes, the solution of these inter-municipal problems require cooperation at the regional level. Massachusetts' communities have demonstrated that they are willing to work together on a re-



gional basis to accomplish shared objectives such as the establishment of regional bus services, schools, and the disposal of solid waste and sewage. But progress beyond this to act in concert as a region to regulate and manage elements of growth with regional impacts has been slow. Martha's Vineyard is the only region in the Commonwealth where the power to regulate critical areas and developments of regional significance is shared between the regional commission and member communities, though other regions have considered this step and at least one has submitted legislation to obtain similar powers. Regional agencies should have a more active role in managing growth, but only if their member communities support such a role. Local governments should be empowered to delegate some of their authority in growth-related matters to regional agencies, when they determine that regional action would more effectively promote their best interests.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (September 1977), pp. 54, 55, 62, 81, 82.
- The Regional Planning Law (August 1976), pp. 1-69.



#### 1978-1979 Objectives

- Objective 1: To investigate and determine the feasibility of granting enabling powers to the regions relative to the designation and regulation of critical environmental areas and developments of regional significance.
- Objective 2: To assist the regional planning agencies to improve and strengthen their capacities in the areas of local technical assistance, areawide growth management, and economic development.
- Objective 3: To provide and ensure effective coordination between federal, state, and areawide programs and policies.



## Programs

The following programs are designed to achieve the above objectives.

1. State Growth Policy Development and Implementation Program. Under this program, the Office of State Planning will ensure that regional needs and priorities will be given increased significance in state growth policies and programs which affect growth and development in those regions. MOU's between OSP/DCA and the RPAs will be executed to ensure continued state-regional coordination.
2. HUD '701' Comprehensive Planning Assistance Program. Federal funds under this program are awarded to the state (OSP and DCA); metropolitan and non-metropolitan regions to develop and carry out comprehensive planning programs and related activities. The Office of State Planning will ensure that effective coordination is established and maintained between the state and the regions. Also, through the 701 Grant Program, OSP will prepare legislation with the cooperation of the RPAs to improve and strengthen the regions in the state.
3. Massachusetts Coastal Zone Management Program. The Office of Coastal Zone Management will involve the coastal regions to assist in the implementation of the CZM program.
4. Regional (Transportation) Corridor Planning Program. The regional planning agencies are the principal authors of the state's Annual Unified Work Programs for Corridor Planning. The Bureau of Transportation Planning and Development in the Department of Public Works requires that the RPAs integrate transportation planning with other elements of their planning programs.
5. State Outdoor Recreation Program. The Department of Environmental Management (EOEA) will involve the regional planning agencies in the preparation of the 1978 Massachusetts Statewide Comprehensive Outdoor Recreation Plan.

## Supporting Documentation

- City and Town Centers: A Program for Growth (September 1977), pp. 62 and 82.
- Massachusetts Coastal Zone Management Program (March 1977), pp. 338-339, 341-343.
- Transportation Planning Study Guidelines: Development of a Corridor Planning Study (DPW/BTP&D, September 1977), pp. 1-14.
- Transportation Planning Study Guidelines: Development of a Regional Planning Study (DPW/BTP&D, September 1977), pp. 1-24.
- Massachusetts Statewide Comprehensive Outdoor Recreation Plan (December 1976), pp. 7, 8, 127, 128, 135.

## 10. Property Tax Relief

The key to serious tax reform in Massachusetts is property tax relief. Massachusetts' reliance on the property tax is excessive when compared to other states, both in terms of the proportion of overall state and local revenues that it generates, which is approximately 50 percent, and in terms of the actual rates of taxation on real property that it entails, which are among the highest in the nation. Moreover, the property tax is highly regressive and discourages private investment in residential, commercial, and industrial development particularly in those cities and towns which desperately need an expanded tax base. At the same time, local expenditures have been growing at a rate that has exceeded inflation, and the level of property taxes resulting from this cost spiral is unacceptable to communities. The reasons for the increase in expenditures are complex, but in part are caused by certain factors over which communities exert limited control, such as school costs, unfunded state mandated programs, and regional assessments. All these factors point to the need for comprehensive property tax reform. The first step toward property tax reform is to control the rate of growth in state and local expenditures. The state should provide funding for future state-mandated programs. Furthermore, the state should provide technical assistance and direct aid to municipalities in the area of fiscal management. Another property

tax relief measure would be for the state to commit a substantial portion of increases in state revenues to local property tax assistance.

### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 5, 6, 50, 55, 56, 82-85.
- An Economic Development Program for Massachusetts (OSP, August 1976), pp. 45, 46, 64.

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### 1978-1979 Objectives

- Objective 1: Provide state assistance to communities in controlling and stabilizing local expenditures.
- Objective 2: Estimate the fiscal impact of proposed state legislation on local governments.
- Objective 3: Revise state assistance programs to better equalize tax efforts among communities.

### Programs

The following programs are designed to achieve the above objectives.

1. An Economic Development Program for Massachusetts (EDA) was developed by the Office of State Planning and approved by the Governor and his Cabinet. The program has been integrated with the State Growth Policy process and will include activities aimed at improving and stabilizing local and state economies.
2. Local Assistance Program. Economic planning and technical assistance to localities is provided by the Department of Community Affairs and the Office of State Planning. During the next two



years, these two agencies and the Massachusetts Department of Education will work jointly to assist communities in establishing programs to control local expenditures.

In addition to the above programs, the following actions are also designed to achieve the objectives.

1. Initiate legislation which will enable cities and towns to impose a growth rate ceiling on their tax levies.
2. Fund future state-mandated programs.
3. Commit a substantial portion of increases in state revenues to local property tax assistance.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 82-85.
- An Economic Development Program for Massachusetts (OSP, August 1976), pp. 44-46.
- 1978-1979 EDA - Annual Economic Work Program of the Office of State Planning (OSP, 1977).

### **E. Procedures and Criteria for Evaluation of Annual Objectives**

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The procedural framework presented below is designed to facilitate evaluation and ensure fulfillment of the annual objectives within the context of the State Growth Policy. Basically, there are two sets of procedures involved. One for dealing with those issues affecting state policy, hence requiring deliberation and action at the policy level. The second set of procedures relate primarily to the technical and administrative aspects of the programs involved. These procedures are for the most part described by federal and state law and/or by administrative orders or directives. Described below is the established procedure and criteria for dealing with issues which are likely to have significant impact on State Growth Policy,

and which would require policy-level determination to ensure consistency with established growth policies and priorities.

#### Procedure for Dealing with Issues Impacting on State Growth Policy

It is an established executive policy that all state actions impacting on State Growth Policy are referred by the Governor to the Office of State Planning for comment. The OSP staff reviews and evaluates the proposed action to determine if a proposed state action is consistent with the State Growth Policy. This review process is based on the following general criteria:

1. locational considerations: whether the proposed action is targeted to revitalize community centers; rehabilitate neighborhoods or to improve the general physical conditions of depressed urban areas;
2. consistency with existing local growth or land use plans and preferences;
3. potential impact on local fiscal capacity;
4. potential economic impact in the general area in terms of providing job opportunities;
5. availability of adequate infrastructure to support the proposed action or project;
6. potential impact on the area's natural environment (i.e., impact on critical environmental areas, water supply and resources, agricultural lands, energy conservation, and coastal resources); and
7. consistency with state public investment priorities.

If OSP determines that the proposed action is inconsistent with State Growth Policy objectives, the Director of State Planning notifies the responsible Cabinet Secretary regarding OSP's findings and suggests changes in order to establish policy consistency. If the matter cannot be resolved at this level in the process, or the issue under consideration has broad policy implications, it is referred to the Development Cabinet (which meets weekly) for deliberation and resolution. The resolution reached by the members of the Development Cabinet is submitted to the Governor for action.

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## III. Implementation

"Requirements: Studies, criteria, and implementing procedures and mechanisms necessary for effectively guiding and controlling major decisions concerning where growth shall and shall not take place."

### A. Studies

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1. Legal Authority for Guiding Growth: An Analysis of Existing Mechanisms for Managing Growth to Promote Water Quality (OSP, November 1975). This study focuses upon the types of legal authority presently available at the local, regional, state, and federal levels for guiding and controlling growth in a manner cognizant of water quality concerns. Special attention is given to tools for regulating the location of development; legal incentives which stimulate voluntary compliance with desirable land use patterns; and the potential utility of government acquisition of land and of water pollution control programs for guiding growth and development.



2. Offshore Oil Development: Implications for Massachusetts Communities (OSP, November 1976). This study is designed to provide basic information on potential oil development in Massachusetts which will be of practical value to communities that may be faced with decisions regarding the location of petroleum facilities and activities. The principal goal of this effort was to help improve the effectiveness of local decision-making since local governments have the primary responsibility for determining the location of major developments.
3. Protection of Wetlands and Floodplains: Case Studies of 18 Eastern Massachusetts Towns (DCA, May 1977). This report analyzes the different types of regulatory and mapping techniques employed by 18 communities for the protection of wetlands and floodplains, and examines the effects of state and federal programs on local efforts.
4. Report of the Southeastern New England Study: A Strategy for Balanced Development and Protection of Water and Related Land Resources in Eastern Massachusetts and Rhode Island (NERBC, December 1975). The SENE Study identifies the major elements which must be considered in a growth policy, and analyzes a number of alternative approaches for implementing such a policy. The study's special emphasis is to detail a comprehensive program which establishes the vital role that water resources and certain water related land resources play in such a regional growth policy.
5. Projections of Employment for Massachusetts and its Regional Planning Districts: 1975-1990 (OSP, February 1977). This report analyzes the future patterns of employment likely to take place in Massachusetts during the next 15 years.
6. Massachusetts Population Growth (OSP, January 1978). This report focuses on three important changes occurring in the composition of Massachusetts' population, including changes in geographic structure, especially city/suburban differences; age structure as reflected in the post-war baby boom; and the interaction between the geographic and age structures, especially as it is manifested in the evolution of large metropolitan areas.

7. Preserving Agricultural Lands (DCA, 1976). This study is of concern to communities interested in fostering a state policy to maintain agricultural land use. It provided the basic information for the preparation of legislation for public purchase of development rights of agricultural lands (Chapter 780, Acts of 1977). The report analyzes and tests the application of the latest techniques of agricultural preservation in the model community--Westfield, Massachusetts.
8. Developing a Land Use Management Process (DCA, 1976). This study is beneficial to smaller communities lacking basic services (water/sewer) and facing growth pressures. It describes and evaluates the tools and techniques available for developing an effective local land use planning process. Also, the report identifies the fiscal, social, administrative, and environmental constraints in implementing a land use policy. The Town of Mashpee was used as the model community for this project.
9. Organizing for Local Economic Development (DCA, 1976). This study highlights the key economic development institutions within the Town of Wareham. It also proposes various means for organizing local resources to deal more effectively with issues of industrial development, unemployment, and commercial development.
10. Monitoring Change in Residential Neighborhoods (DCA, 1976). Neighborhood preservation is the topic of this study undertaken in the model community--the City of Melrose. It demonstrates a method of identifying changes taking place in residential areas before visible evidence of decline is apparent. This study is a benefit to larger municipalities with stabilizing or declining populations which are concerned with preventing neighborhood deterioration.
11. Revitalizing Small Town Central Business Districts (DCA, 1976). This study is on the techniques of revitalizing small town central business districts.



The purpose of this report is to identify the future of small CBD's in terms of their social and economic role in the community. Issues such as housing, community services, aesthetics, and traffic and circulation are also addressed.

12. Evaluating Reuse Options for Large Institutional Land Holdings (DCA, 1976). This study is designed to assist communities in addressing the issue of maximizing economic and land use opportunities presented by obsolete institutional properties. The Town of Lenox was used as the model community in this project. The study also contains useful tools for evaluating reuse proposals presented by developers to local officials.
13. Modernizing Local Government (DCA, 1977). The Town of Leicester was the model for this study which examines the governmental structure of smaller communities and proposes alternative governmental structures that can more effectively handle local problems. Special emphasis is placed on evaluating and strengthening the role, responsibility and accountability of the chief executive; professionalizing government operations; improving internal communication; and creating a sound community development process.
14. Built to Last (DCA, 1977). This is a study on the recycling of older buildings. It examines the preservation of structures, with particular attention to the economic benefits of recycling old buildings. It also discusses various strategies for neighborhood rehabilitation and stabilization.
15. Towards a Growth Policy for Massachusetts (OSP, 1975). This report describes the problems facing Massachusetts as a result of its past growth patterns and the issues it confronts as the state continues to grow. The report also presents an in-depth analysis of the past administration of several key state investment programs, and the manner in which these programs have contributed to the growth problems.



16. Massachusetts Coastal Zone Management Program Report (EOEA/OCZM, March 1977). Although this report presents the state policies and programs for the preservation and protection of the Massachusetts coastal resources, it also analyzes the critical problems and issues facing the areas along the coast. The background information for the Coastal Zone Management Program is found in the following pages: 43-79, 107-114, 133-143, 161-171, 189-201, 227-256, and 273-291.
17. Massachusetts Statewide Comprehensive Outdoor Recreation Plan Report (DEM, 1976). The main purpose of the report is to improve the management of open space and outdoor recreation in the Commonwealth by developing policies and providing data and information useful for planners and decision-makers at all levels. Its principal aim is to be a usable document for the continuing process of recreation and open space planning.
18. Massachusetts Water Supply Policy Study (EOEA, 1977). This study examines the state's water supply issues and problems. It assesses current water supply planning practices in Massachusetts; reviews methods of developing public water supplies for both surface and ground water resources; analyzes current techniques in water conservation programs; and projects future water demands and supply needs in Massachusetts. Also, the report recommends a policy package and program.
19. Interim Report of the Special Commission Relative to the Effects of Present Growth Patterns on the Quality of Life in the Commonwealth of Massachusetts (Chapter 98, Resolves of 1975). The Interim Report presents the results of the Commission's study authorized under the provisions of Chapter 98, Resolves of 1975, of the effects of growth patterns on the quality of life in the Commonwealth. The findings of this study led to the enactment of the Massachusetts Growth Policy Development Process articulated in Chapter 807, Acts of 1975, which resulted in the Massachusetts Growth Policy Report entitled City and Town Centers: A Program for Growth, which represents the Commonwealth's policy framework for satisfying the HUD 701 Land Use Element.

20. Report Relative to State Assumption of Certain Real Property Exemptions (Massachusetts Legislative Research Council, 1972). This study investigates the feasibility of state assumption, through payments in lieu of taxes, of the financial burden borne by cities and towns by reason of the property tax exemptions given to governmental and non-governmental real estate.
21. Policy Perspectives on Regional Government in Massachusetts (OSP, November 1975). This report examines and evaluates the organization and functional characteristics of existing mid-level governmental systems in Massachusetts and other states; reviews studies and legislative proposals; and suggests ways for improving the present system in Massachusetts.

## B. Criteria and Implementing Procedures

1. Procedure for Conservation Land Acquisition under the State Self-Help Program Pursuant to M.G.L. Chapter 132A, Section 11. See Appendix 5.
2. Procedure for the Reuse and Disposition of State Excess and Surplus Properties (Administrative Bulletin #77-10, October 1977). See Appendix 3.
3. Priority Rating System for Assessing Local Applications for Funding under the Bureau of Outdoor Recreation - Land and Water Conservation Fund. See Appendix 10.
4. Priority Criteria for Allocation of EPA '201' Wastewater Construction Funds. The Division of Water Pollution Control, in the Executive Office of Environmental Affairs, is in the process of developing with the cooperation of other agencies priority criteria for distributing federal EPA funds for 201 waste treatment facility construction.
5. Procedure for Reviewing and Approving EDA Section 304 Projects. The Office of State Planning has established a procedure for processing appli-



cations for EDA 304 funding. The procedure entails solicitation of proposals from organizations in selected urban areas (often areas where the state, in accordance with its growth policy, has been making public investments); submission of proposals to EDA local office for determination of applicant's eligibility; review and evaluation of proposals by the Economic Development Project Committee (see Coordination, Section III) to ascertain consistency with the state growth policy objectives; and finally, submission of recommended proposals to the Development Cabinet and the Governor for consideration and action.

6. Procedure for Evaluating and Approving Proposals for the Acquisition of Agricultural Preservation Restrictions. Chapter 780, Acts of 1977, Section 11B defines a general procedure by which the State Agricultural Lands Preservation Committee will evaluate and accept or reject proposals for agricultural preservation restrictions submitted by cities and towns in the Commonwealth. The Committee also will be formulating more detailed procedural requirements for implementing the provisions of the Act. The minimum statutory requirements include:

- suitability of land as to soils classification and other criteria for agricultural use;
- fair market value of such land and the fair market value of such land when used for agricultural purposes as determined by independent appraisals; and
- degree to which the acquisition would serve to preserve the agricultural potential of the Commonwealth.

See Appendix 4.

7. Procedure and Criteria for Distributing State Funds under the State Urban Self-Help Program. The Division of Conservation Services within the Executive Office of Environmental Affairs is in



the process of developing a procedure including criteria for distributing state funds under the Urban Self-Help Program Act (Chapter 933, Acts of 1977) recently enacted by the Massachusetts State Legislature and signed by Governor Michael S. Dukakis.

8. Criteria for Selecting Housing Development Proposals adopted by the Massachusetts Housing Finance Agency (MHFA). See Appendix 11.

## C. Land Use Regulatory Mechanisms

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1. Zoning Act, M.G.L., Chapter 40A, as amended by Chapter 808 of the Acts of 1975. A police power delegated to cities and towns by the state for regulating the density of development, and for determining in advance the use of land in terms of broad categories. The statute also allows localities to enact flood plain zoning regulations to protect areas subject to seasonal and periodic flooding. Cluster Development/PUD are additional legal tools provided under Chapter 808 of the Acts of 1975. The local building inspector is the zoning enforcement agent of the municipality.
2. Subdivision Control Law, M.G.L., Chapter 41, ss. 81K-81GG. Empowers local planning boards to approve, disapprove, or modify subdivision plans and to regulate the laying out and construction of ways within such subdivisions. The statute also provides additional powers to the municipality for determining proper access and insuring sanitary conditions, and for providing, in proper places, areas for parks and open spaces.
3. State Sanitary Code, M.G.L., Chapter 111, Section 31. This statute empowers municipalities through their local public health boards to establish public health regulations for insuring protection against dangers to public health. The law also enables localities to designate areas for town sanitary landfills subject to the approval

of the state. The enforcement agencies at the local and state levels are the local board of health and the Department of Environmental Quality Engineering respectively.

4. State Building Code, M.G.L., Chapter 802, Acts of 1972. Empowers local building inspectors to regulate the physical characteristics of all structures and buildings according to specifications promulgated by the State Building Code Commission. The law also provides for the development of statewide programs for the licensing of construction supervisors and approval of manufactured buildings and building components and mobile homes.
5. Earth Removal Regulations, M.G.L., Chapter 40, Section 21(17) and Chapter 40A, Section 2. These statutes empower municipalities to enact regulations for controlling or prohibiting the removal of soil, loam, sand, or gravel from certain areas in a community. The enforcement authorities include the local conservation commission (Chapter 40, Section 21(17)), and the board of selectmen (Chapter 40A).
6. Wetlands Protection Act, M.G.L., Chapter 131, Section 40. Empowers local conservation commissions and the State Department of Environmental Quality Engineering to regulate activities affecting coastal and inland wetland areas.
7. Wetlands Restrictions Acts, M.G.L., Chapter 130, Section 105 (Coastal Wetlands) and Chapter 131, Section 40A (Inland Wetlands). Empowers the state Department of Environmental Management to identify, in advance of particular development proposals, wetland areas meriting preservation, and to adopt orders regulating, restricting, or prohibiting dredging, filling, removing, altering, or polluting such areas. At the local level, the conservation commission has the power to regulate and insure compliance with the provisions of these laws.
8. Scenic Mountains Preservation Act, M.G.L., Chapter 131, Section 39A. The statute empowers those local conservation commissions in the Berkshire



County region which affirmatively accepted the Act, to map and regulate development activities in mountainous areas of the Berkshires. The law authorizes the Department of Environmental Management to override local actions. This Act is intended among other things to limit development primarily in groundwater recharge areas and on highly eroded soils.

9. Scenic and Recreation Rivers Act, M.G.L., Chapter 21, Section 17B. The Act authorizes the Department of Environmental Management to adopt and promulgate orders for the regulation and protection of the Commonwealth's scenic and recreation rivers and streams. The law also provides for compensation to property owners if the order amounts to a 'taking.'
10. Energy Facilities Siting Council, M.G.L. Chapter 164, ss. 69G et seq., as amended by Chapter 617, Acts of 1975. Establishes the Massachusetts Energy Facilities Siting Council with powers to regulate the location of major energy facilities through review and approval of long-range forecasts of utility companies. The Council's jurisdiction includes electric power plants and transmission lines, gas manufacturing plants, oil and natural gas storage facilities, pipelines and oil refineries. The Council is composed of the Secretaries (or their designees) of Consumer Affairs, Environmental Affairs, Economic Affairs, and Administration and Finance (represented by the Office of State Planning), plus five members appointed by the Governor.
11. Regulation of Access to State Highways - 'Curb Cut Permits,' M.G.L. Chapter 81, Section 21. This statute authorizes the State Department of Public Works to regulate access to state highways and to issue 'curb cut' permits into these highways for private driveways and municipal roads. These regulations represent a potentially useful tool to control major developments in unsewered or critical areas along state highways.



12. Massachusetts Environmental Policy Act, M.G.L., Chapter 30, ss. 61 and 62. This law requires all agencies, departments, and other public entities of the Commonwealth to review, evaluate, and determine the impact on the natural environment of all projects undertaken by them. The Act also prohibits any agency from commencing work on a project without first preparing an Environmental Impact Statement, holding public hearings and obtaining the necessary approval to commence work from the Secretary of Environmental Affairs.
13. Public Health - State Site Regulation, M.G.L. Chapter 111, Section 127A. This Act empowers the state Department of Environmental Quality Engineering to regulate the location and construction of septic tanks, cesspools, and similar systems which discharge into subsurface waters.
14. School Building Assistance Act, M.G.L., Chapter 645, as amended. Regulations governing the provisions of this Act have been amended to provide for the rehabilitation of existing buildings. (See House Bill No. 6109 (May 1977), regarding Revised Regulations for M.G.L. Chapter 645, Appendix 20).

## D. Incentives

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1. Density Bonus, M.G.L., Chapter 40A, Section 9, as amended by Chapter 808 of the Acts of 1975. Enables municipalities to grant density bonuses to Cluster Developments and Planned Unit Developments. If a developer provides some desirable feature beyond basic zoning requirements, he is rewarded with a bonus such as increasing housing density. Open space, housing for low- and moderate-income families, pedestrian improvements, and other amenities are examples suggested by the Act.
2. Conservation and Preservation Restrictions (easements), M.G.L., Chapter 184, ss. 31-33. This Act allows for the protection of land through a

severance of certain rights. Once an area has been placed under a permanent conservation restriction, it must be assessed separately from the rest of the property. This tax treatment tends to result in lower assessment, strengthening the incentive value of conservation restrictions.

3. Tax Exemptions and Deductions for Pollution Abatement Facilities, M.G.L. Chapter 63, Section 38D and Chapter 59, Section 5(44). M.G.L. Chapter 63 allows domestic and foreign corporations to deduct the expenditures paid or incurred during the taxable year for the construction or improvement of industrial waste treatment or air pollution control facilities. M.G.L. Chapter 59 exempts from the property tax any structure, device, equipment, or other real and personal property which is constructed or installed for the purpose of eliminating industrial waste or pollution in the waters of the Commonwealth.
4. Forest Lands and Products Taxation Act, M.G.L., Chapter 61, Section 1 et seq. This statute provides property tax incentives on certain lands classified as forest lands.
5. Farmland Assessment Act, M.G.L., Chapter 61A, ss. 1 et seq. Provides for lowered tax assessment of land in agricultural or horticultural use. Areas must be in excess of five acres and must produce an annual gross sales (of agricultural/horticultural products) of not less than \$5,000. The intent of this Act is to encourage preservation of prime agricultural lands.

## E. Development Mechanisms

1. Urban Renewal, M.G.L. Chapter 121A and Chapter 121B. These statutes provide useful mechanisms for facilitating revitalization of city and town centers. Under Chapter 121A, private corporations, subject to a 6 percent profit limitation, are granted significant property tax deductions and use of the state's eminent domain powers for undertaking redevelopment projects in blighted



areas. Chapter 121B empowers local redevelopment authorities to initiate acquisition, site clearance, and public improvements and to sell prepared sites to private developers or public agencies who agree to carry out plans.

2. Industrial Development Finance Authorities (IDFA) M.G.L. Chapter 40D. This Act enables a municipality to establish an IDFA for purposes of stimulating economic development by providing financing for the purchase of lands and properties at municipal finance rates and then leasing them to private developers.
3. Economic Development and Industrial Corporations (EDIC), M.G.L. Chapter 121C. This Act enables municipalities to form EDIC's with authority to undertake economic development in blighted areas impacted by unemployment. Unlike IDFA's, EDIC's have the power of eminent domain.
4. Land Banking, Chapter 212 of the Acts of 1975. This Act sets up the Massachusetts Land Bank Commission for the sole purpose of aiding in the conversion of certain lands presently held by the federal government for military use in the Commonwealth.
5. Massachusetts Community Development Finance Corporation (CDFC), M.G.L. Chapter 40F. Provides financing assistance to local Community Development Corporations (non-profit) to carry out economic activities designed to reduce condition of blight (as defined in M.G.L. Chapter 121A) or widespread reliance on public assistance.
6. Massachusetts Industrial Mortgage Insurance Agency (MIMIA), M.G.L. Chapter 23A, Section 29. Provides insurance of industrial mortgage loans and debt service for profit and non-profit businesses engaged in industrial activity, recreation, or research and development enterprises.
7. Massachusetts Business Development Corporation (MBDC), M.G.L. Chapter 673 of the Acts of 1953. MBDC provides loans to any private business firm based in Massachusetts for the purchase or construction of fixed assets including land, plant,



and equipment. MBDC was formed as a private corporation by the Massachusetts banking community in order to foster industrial growth within the state.

## F. Historic Preservation Mechanisms

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1. Massachusetts Historical Commission Act, M.G.L. Chapter 9, Section 26-27c. This statute establishes the Massachusetts Historical Commission and State Archaeologist. The principal function of the Commission is to develop, in concert with local historical commissions, the State Historic Preservation Plan, and to provide technical assistance to local commissions and preservation organizations in all aspects of historic conservation and development.
2. Local Historical Commissions Act, M.G.L. Chapter 40, Section 8d. This Act enables municipalities to establish local historical commissions to assist the state in identifying and preserving sites and structures of historical significance.
3. Local Historic Districts Act, M.G.L. Chapter 40C. Empowers local historical commissions to identify and designate certain areas as historic districts because of their historical significance.
4. M.G.L. Chapter 144 of the Acts of 1975. The Act amends the State Building Code to allow historic district rulings to prevail over State Building Code.

## G. Land Acquisition Mechanisms

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Acquisition of land by the state and local governments is a useful tool for guiding and managing growth and implementing policies. Once land is purchased by a public agency, the agency can insure that its land use conforms with future land use plans. The major constitutional limitation upon land is that such public action must be for a public purpose (Article 10 of the Massachusetts Declaration of Rights). Furthermore, the constitutional authority defining conser-

vation of natural resources as a public purpose is provided in Amendment Article 49, as amended by Article 97 of the State Constitution--the Environmental Bill of Rights.

The sources of statutory authority for land acquisition by the state and municipalities fall into two major categories--those which allow the power of eminent domain, and those that only permit acquisition from a willing landowner. The following are lists of statutes relating to both categories of land acquisition.

# 1. Land Acquisition by Eminent Domain

- M.G.L. Chapter 64, Section 30. Cities may purchase or take by eminent domain under Chapter 79, any land within their limits for any municipal purpose.
- M.G.L. Chapter 64, Section 14. Towns may purchase or take by eminent domain any land, easement, or right therein within the town not already appropriated to public use for any municipal purpose.
- M.G.L. Chapter 16, Section 19. The Bureau of Solid Waste is authorized to acquire or take by eminent domain land, facilities, and easements necessary for solid waste disposal, with the concurrence of the Departments of Environmental Quality Engineering and Environmental Management.
- M.G.L. Chapter 21, Section 9A. The Water Resources Commission is authorized to acquire land by eminent domain for future water needs, flood control, etc., subject to the approval of the Governor, the board of selectmen in a town, or the city council in a city in which the land is located. See Appendix 8, regarding Draft Executive Order relative to authorization of WRC to implement Section 1910.12, Rules and Regulations of the Federal Insurance Administration (HUD) pursuant to the National Flood Insurance Act of 1968, as amended.



- M.G.L. Chapter 21, Sections 17, 17A. The Public Access Board within the Department of Fisheries may acquire land or water areas by eminent domain for the purpose of providing public access to waters and the locations of trails and paths for snowmobiling, hiking, skiing or other uses.
- M.G.L. Chapter 21, Section 30. A water pollution abatement district designated by the Division of Water Pollution Control may take by eminent domain or otherwise acquire land for water pollution abatement facilities (sewers, treatment plants, pumping stations, etc.).
- M.G.L. Chapter 40, Section 8C. A conservation commission may acquire land or water rights needed to conserve and properly utilize open space within a city or town; the commission can take land or waters by eminent domain, if the legislative body approves by a two-thirds vote.
- M.G.L. Chapter 40, Section 72B. Cities and towns may acquire land by eminent domain for off-street parking areas to provide parking for local business, manufacturing, and commercial establishments.
- M.G.L. Chapter 40, Section 41. Towns may take by eminent domain or acquire by purchase or otherwise, with the consent and approval of the Department of Public Health, and hold lands, rights-of-way, and easements within the watershed of any water used by them as a source of water supply, which the Department of Public Health deems necessary to protect and preserve the purity of the water supply.
- M.G.L. Chapter 45, Section 3. A municipality may acquire by eminent domain or by purchase, gift, or devise, land for a park.
- M.G.L. Chapter 45, Section 14. A municipality may acquire by eminent domain or by purchase, gift, or devise, land for public playgrounds or recreation centers.



- M.G.L. Chapter 45, Section 19, 20. Communities may take or purchase land for the purpose of preserving the town water supply or for the culture of forest trees.
- M.G.L. Chapter 91, Section 5. The Department of Public Works may take land by eminent domain for the purpose of constructing or securing the construction or utilizing of piers, and in connection therewith, highways, waterways, railroad connections, storage yards, and sites for warehouses and industrial establishments.
- M.G.L. Chapter 92, Sections 77-80. The Metropolitan District Commission may take by eminent domain or otherwise acquire land or interests therein for sewage disposal systems, water systems, open space reservations, and parkway boulevards. Taking of easements in private land to maintain plants and trees along rivers and ponds or to impose other restrictions upon open spaces requires concurrence of the majority of the MDC and of the local park commission. Taking of land which is already a public way for a boulevard requires the consent of each county and municipality (through the city council or selectmen) in which the public way lies.
- M.G.L. Chapter 121A, Chapter 121B, Section 11. Under Chapter 121B, a city or town may establish an urban redevelopment authority and a local housing authority which may acquire land by exercise of eminent domain powers. Under Chapter 121A, a private limited-dividend corporation may exercise eminent domain powers with local and state approval. (These are discussed more extensively in the urban renewal section of this report.)
- M.G.L. Chapter 121C. A municipality may organize an economic development and industrial corporation (EDIC) which may acquire land for industrial development purposes within the municipality. An EDIC may acquire property necessary to carry out the

purpose of the act. The eminent domain authority is subject to a vote of the legislative body of the city or town establishing the EDIC. (EDIC's are discussed more extensively in a previous section of this report.)

- M.G.L. Chapter 130, Section 105. The Department of Environmental Management may acquire land by eminent domain for the purpose of protecting coastal wetlands.
- M.G.L. Chapter 131, Section 4. The Division of Fisheries and Game may take land by eminent domain for the purpose of fish and wildlife management.
- M.G.L. Chapter 132A, Sections 3, 3A. The Department of Environmental Management may acquire land lying outside of the metropolitan parks district for recreation or conservation, by eminent domain after local consent.
- M.G.L. Chapter 164, Section 72. Utility companies may acquire land for transmission lines with permission of the Department of Public Utilities, which can authorize a company to take such lands by eminent domain under Chapter 79.
- M.G.L. Chapter 252, Section 5A. The State Reclamation Board may acquire land by eminent domain for the purpose of improving low lands.

## 2. Land Acquisition Without the Power of Eminent Domain

- M.G.L. Chapter 40, Section 5(53). A municipality may acquire tidal marshes and estuaries as reservations for their natural beauty and wildlife protection.

M.G.L. Chapter 40, Sections 25A, 11A-12G.  
A municipality may acquire land for the establishment and maintenance of public beaches.

- M.G.L. Chapter 40, Section 33. A municipality may acquire, or lease for not more than five years, land for public parking places.
- M.G.L. Chapter 40D. Enables communities to create industrial financing development authorities for the purpose of buying lands and developing properties at municipal finance rates, and then leasing them to private companies.
- M.G.L. Chapter 44, Section 8(4). A community may acquire land or interests therein necessary to the construction of reservoirs, filter beds, pumping stations, and water treatment facilities.
- M.G.L. Chapter 44, Section 7(8). A community may purchase land for cemeteries.
- M.G.L. Chapter 132, Section 35. Municipalities may acquire land for the purpose of forestation and may reclaim and plant such lands.

#### Supporting Documentation

- Legal Authority for Guiding Growth: An Analysis of Existing Mechanisms for Managing Growth to Promote Water Quality (OSP, November 1975), pp. 11-82, 120-148. This report also lists available local, state, regional, interstate, and federal legal tools without potential utility for implementing water quality-related growth policies. These tools are listed on pp. 171, 172.
- Legal Authorities for the Implementation of the Massachusetts Coastal Zone Management Program (OCZM, March 1977). This document provides a comprehensive catalogue and descriptions of all environmental-developmental legal and administrative tools available to public entities of the Commonwealth. See particularly pp. 56-221.





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## IV. Coordination

The following are the key state coordinative mechanisms which will facilitate coordination and implementation of the Land Use Element objectives.

1. Office of State Planning. Created in 1975 by Governor Michael S. Dukakis as the central planning entity of the Commonwealth. OSP's principal responsibilities include: intergovernmental and interagency coordination; land use and economic planning; and growth policy development. OSP also functions as the State A-95 Clearinghouse and administers the HUD 701 Comprehensive Planning Assistance Program for the State. The Director of OSP reports directly to the Governor, is a member of the Governor's Cabinet, and Chairman of the Development Cabinet.
2. Development Cabinet. Established by Governor Dukakis to review, evaluate, and deliberate on major policy and program issues that bear directly on the condition of the Massachusetts

economy. State regulatory and investment decisions concerning specific large-scale development projects are often brought before this body for resolution. The Development Cabinet provides the Governor with a steady stream of balanced advice on the many economic programs and projects over which state government has control. The members of the Development Cabinet consist of: the Lieutenant Governor, the Secretaries of Economic Affairs, Environmental Affairs, Transportation, Communities and Development, and Consumer Affairs, and the Director of the Office of State Planning who serves as Chairman of the group. The following is a brief description of the member secretariats whose functions and programs exert a significant influence on growth and development.

- a. Executive Office of Economic Affairs. Is concerned with the improvement and development of the state's economy, provision of trained workers to business, employment services, unemployment insurance administration, regulation of labor conditions, and improvement of industrial safety. EOEcA has jurisdiction over the Department of Commerce and Development, Division of Employment Security, Labor Relations Commission, State Manpower Services Council, Office of Comprehensive Employment Training Act (CETA) Operations, Division of Industrial Accidents, Industrial Accident Board, Industrial Accident Rehabilitation Board, and the Massachusetts Science and Technology Foundation.
- b. Executive Office of Environmental Affairs. Is the overall fiscal, policy, planning, and legal decision-making entity for environmental matters. There are four units within the Office of the Secretary, these are: the Office of Coastal Zone Management, the Division of Conservation Services, the Massa-



chusetts Environmental Impact Review Program, and the Division of Law Enforcement. In addition, EOEA has jurisdiction over the following agencies: the Department of Environmental Quality Engineering--the state's principal environmental watchdog, monitoring the quality of air and water, the Department of Environmental Management--embodies the state's commitment to protect, enhance, develop, and manage the natural resources of the Commonwealth; the Department of Food and Agriculture--is empowered to preserve agricultural lands, and to insure an adequate supply of high quality farm products in the state; the Department of Fisheries, Wildlife, and Recreation Vehicles--manages and studies inland and marine fish and wildlife resources; the Department of the Metropolitan District Commission--provides water, sewer, and park services to over 50 communities in the greater Boston area.

- c. Executive Office of Consumer Affairs. Is responsible for overseeing the activities of various regulatory departments, divisions, commissions, and agencies. The key organizations reporting to the Executive Office include: the Department of Public Utilities, the Energy Policy Office, the Energy Facilities Siting Council, and the Department of Banking and Insurance.
- d. Executive Office of Communities and Development. The objective of this office is to mobilize the human, physical, and financial resources of the state available to combat poverty and provide economic training and open housing opportunities to Massachusetts' citizens. This Executive Office has jurisdiction over the Department of Community Affairs which includes the Division of Community Services--which assists and acts as an

advocate for communities in their dealings with the state; Division of Community Development--concerned with the development and implementation of housing programs and policies; and the Division of Social and Economic Opportunity essentially an advocacy group for the disadvantaged. (For additional information on the functions and responsibilities of EOCD, see the State Housing Element Summary Statement prepared by the Department of Community Affairs.)

- e. Executive Office of Transportation and Construction. Has primary responsibility in planning, construction, and management of the state's transportation system. The agencies which come under the jurisdiction of this Secretariat include: the Department of Public Works--responsible for planning, design, construction, and maintenance of state highways; Massachusetts Bay Transportation Authority--responsible for planning, design, construction, and maintenance of the state's transit system; Massachusetts Port Authority--oversees the operations of the state's major airport facilities and terminals, including the Boston Harbor; and the Massachusetts Turnpike Authority--manages the Massachusetts Turnpike and the Callahan-Sumner Tunnels.
3. Economic Development Project Committee. Chaired by the Office of State Planning and including representatives from the Executive Offices of Communities and Development, Economic Affairs, and Human Services, and the Community Development Finance Corporation, the State Manpower Services Council, and the Lieutenant Governor's office. The principal purpose of this Committee is to review proposals for the Governor's discretionary NERCOM funds. The review process ensures that funding decisions are consistent with the overall policies established by the Administration.



4. Citizens Advisory Board. Was established to assure broad-based participation in the execution and monitor of the state comprehensive planning process, and to provide OSP with continuing contact and ready access to the technical knowledge and resource capability which is represented in the Board's membership. The organization of the CAB is structured along five categorical disciplines, including: professional, environmental, business, government, and citizens advocacy groups.
5. '701' Planning Advisory Committee. Was established to satisfy HUD 701 Regulations Section 600.120. The membership of the Committee includes: the Office of State Planning, the Department of Community Affairs, local elected officials of selected cities and towns, and representatives of metropolitan and non-metropolitan planning agencies. The principal purpose of the Committee is to provide intergovernmental coordination and input in the state's comprehensive planning process and policy development activities defined in the State 701 Annual Overall Program Design.
6. State Planning Coordinating Committee. Was created by the Office of State Planning to facilitate effective coordination between state comprehensive and functional planning efforts, and to provide programmatic substance and coherence to Cabinet level policy formulation. The Committee is composed of managers of key state programs impacting on growth and development.
7. Task Force on Capital Formation for Economic Development. Was created by the Governor to advise him in strengthening the state's economic situation. The specific objectives of the Task Force include: development of new enterprise and new technology; expansion of the Commonwealth's industrial base; resolution of the problems of capital formation in depressed areas; and examination of the state's tax structure including revenue and expenditure policies impacting on capital formation and industrial development. The Task Force consists of senior representatives of the executive and legislative branches of government, private industry, finance, and labor.



8. Local Government Advisory Committee. Was established by the Governor as an advisory body on issues of mutual concern to local and state officials. The specific responsibilities assigned to the Committee include:

- act as an independent advocate for the interests of local governments in their relations with the state and federal governments;
- advise local, state, and federal officials on the needs of local governments;
- assist in mobilizing state and federal resources to deal with problems of local governments;
- provide coordinative support to agencies responsible for administering federal-state-local programs; and
- promote administrative and legislative proposals reflecting the interests of local governments.

The LGAC is composed of 21 members.

9. Citizens Task Force on Coastal Resources. Was created to provide inter-disciplinary guidance in the development of the Massachusetts Coastal Zone Management Program. During the development of the CZM program, this body, made up of representatives from the public and private sectors, assisted in defining CZM's goals, policies, and objectives; reviewed and evaluated technical and policy documents; and formulated recommendations for Executive Office consideration and action. The CZM Program was completed in March 1977 and was submitted to the U. S. Department of Commerce for review and approval.
10. Social and Economic Opportunity Council. Was created to act as an independent advocate for social and economic opportunities of low-income persons. Specifically, the Council is to advise state officials on the needs of low-income persons; assist in coordinating and mobilizing state and

federal resources affecting the poor; and provide technical assistance to agencies serving the poor and disadvantaged citizens of the state. The Council is under the jurisdiction of the Executive Office of Communities and Development. Its members include the Secretary of Communities and Development and representatives of the Massachusetts Community Action Agencies; Massachusetts League of Cities and Towns, Massachusetts Union of Public Housing Tenants, and low-income persons.

11. Technical Advisory Committee of the Statewide Comprehensive Outdoor Recreation Plan. Was established to insure input and coordination in policy formulation from agencies which either provide recreation or would be affected by SCORP policies and activities. The Committee is composed of 27 members, representing state and regional planning agencies, the General Court, localities, and private organizations. The Committee is chaired by the Department of Environmental Management.
12. Wetlands Program Review Board. Was established to provide periodic reviews of the state wetland statutes and related regulations in order to achieve compatibility between environmental and developmental concerns and priorities. The Board is under the jurisdiction of the Department of Environmental Quality Engineering and includes representatives of state agencies and from the private sector including representatives from the Massachusetts Home Builders Association, Associated General Contractors of Massachusetts, Boston Edison Company, Greater Boston Chamber of Commerce, and the New England Power Service Company.
13. State-RPA Subcommittee. Was created to improve coordination and cooperation between the Office of State Planning and the Regional Planning Agencies. Periodic meetings are held between the OSP Director and three RPA directors who act as spokespersons of the regional planning agencies. The RPAs represented include: Franklin County Department of Planning, Montachusett Regional Planning Commission, and Old Colony Planning Council. OSP is also a member of the Regional Planning Directors Groups.



14. State Surplus Property Reuse Committee. Was established to advise the Secretary of the Executive Office for Administration and Finance regarding the reuse and disposition of state surplus or excess properties. The membership of the Committee includes: The Director of the Office of Space and Property Allocation in the Executive Office for Administration and Finance, the Director of the Office of State Planning, the Commissioner of the Department of Commerce and Development, the chief executives of the communities where the property in question is situated, and a representative of the regional planning agency.
15. Self-Help Fund Review Committee. This interagency committee was established by the Secretary of Environmental Affairs to provide comprehensive review on all applications for state Self-Help funds. The Committee is composed of the following agencies: Division of Conservation Services (in EOEA), Department of Community Affairs, Office of State Planning, Massachusetts Commission Against Discrimination, Massachusetts Association of Conservation Commissions, Department of Environmental Management, Office of Coastal Zone Management, Division of Fisheries and Wildlife, and the Metropolitan District Commission.
16. Massachusetts Rural Development Committee. Was established to provide coordination between public and private rural development programs and activities. The Committee is composed of representatives from: the Massachusetts Experiment Station, University of Massachusetts, Department of Food and Agriculture, Department of Environmental Management, Department of Community Affairs, Office of State Planning, U. S. Department of Agriculture, Soil Conservation Service, U. S. Department of Health, Education and Welfare, Regional Planning Agencies, Department of Public Works, Bureau of Transportation Planning and Development, and the Massachusetts Farm Bureau among others.
17. State A-95 Clearinghouse Review. Established pursuant to Section 401 of the Federal Inter-



governmental Cooperation Act of 1968, and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, 42 USCA Section 3334. Circular A-95 issued by the Federal Office of Management and Budget requires applicants to a variety of federal funding programs to submit their applications to statewide (and regional) clearinghouses for review and comment. The Clearinghouse has at least 30 days in which to circulate funding proposals among interested state agencies and to gather comments, before the applicant may formally apply for federal funding. All comments must be included in the final application. In the Commonwealth, the Office of State Planning has been designated as the State A-95 Clearinghouse agency by the Governor.

18. State-RPA Memoranda of Understanding. Each year, MOU's are executed between the State (Office of State Planning and the Massachusetts Department of Community Affairs) and individual regional planning agencies in the Commonwealth. The primary purpose of the MOU's is to foster coordination between state and regional planning processes in the areas of land use, growth policy development, housing planning and development, local technical assistance and other activities of mutual concern to both the state and the regions. A copy of the executed MOU between OSP, DCA, and the Lower Pioneer Valley Regional Planning Commission is included in Appendix 12.
19. Coordination procedures and mechanisms for housing-related programs and policies, see DCA's State Housing Element: Summary Statement.



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## V. Environmental Assessment

State policy recommendations outlined in the Growth Policy Report relating to future growth and development recognize and are consistent with the preservation and protection of the environment. The policy recommendations can generally be abstracted into two categories: (1) to promote a more efficient use of physical and natural resources, outlined in policy recommendations relating to the 'location,' 'timing,' and 'quality' and 'character' of growth; and (2) to preserve critical resource areas and enhance the environmental quality and character of the Commonwealth reflected in policies relating to 'location,' the 'quality,' and 'character' of growth and 'growth management.'

The first objective, relating generally to center revitalization and development, has a twofold emphasis. First, the policy seeks to encourage use of existing facilities, infrastructures, and land resources. Secondly, the policy seeks to discourage unplanned and/or dispersed growth, especially in previously undeveloped areas. As a whole, the policy speaks to a range of environmental concerns.



- to prevent excessive and unnecessary consumption of limited land resources;
- to reduce air pollution by: (a) discouraging commercial development that requires high automobile usage (e.g., strip development); and (b) encouraging commercial and industrial development in areas generally accessible to public transportation;
- to reduce visual and environmental damage to previously undeveloped areas by discouraging dispersed development patterns;
- to protect and preserve city and town center environments and resources, including natural resources and recreation and open space areas, to protect the "character" of individual communities;
- to promote the maximum utilization of open space; and
- to promote development appropriate to and consistent with the capacity of local natural resources, the potential impact of such development and the public need for alternative uses, especially relating to open space and recreation areas.

The second objective, relating to preservation of critical resource areas, also contains a dual approach: first, to prevent intrusion upon and despoilation of sensitive and important undeveloped areas, and second, to preserve and develop open spaces and recreational areas, especially in urban and metropolitan regions under highest development pressures. The policy reflects the following general environmental and programmatic concerns.

- to protect critical resource areas from development. The "Location of Growth" policy defines these areas as (a) containing unique, irreplaceable natural resources; (b) forming an integral part of the natural system supporting human life; and (c) where development would seriously jeopardize the quality of life for future generations;
- to assign a high priority to the preservation, acquisition, and development of open space and recreation, especially those in and accessible to urban and metropolitan areas;

- to protect prime agricultural land from development;
- to preserve and maintain city and town resources (open space, water supply and quality, etc.) through center revitalization efforts;
- to coordinate state programs so that (a) potential effects of development, resource commitment, and/or public investment may be identified; (b) priorities may be identified and addressed in a comprehensive manner, especially in those areas most susceptible to irreversible and/or irretrievable development; (c) state resources can be more directly allocated to priority needs; and (d) conflicts between environmental and development needs can be resolved;
- to encourage and support local planning and growth management efforts to (a) prevent premature and unconsidered development of uncommitted resource areas; (b) permit evaluation of local resource capacity and alternative land uses; and (c) permit communities to preserve and protect natural resource areas of local importance.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 37, 40, 50, 56, 59, 60, 61, 64, 65, 74, 76, 77, 81.
- Towards a Growth Policy for Massachusetts (OSP, October 1975), pp. 10, 30, 38, 43, 57, 58, 61, 87.





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## VI. Historic Preservation Assessment

State Growth Policy recommendations are compatible with, and supportive of, state and federal historic preservation policies and programs (see Appendix 14 for 12/7/77 correspondence, Elizabeth Reed Amadon, Executive Director, Massachusetts Historical Commission to Frank Keefe, Office of State Planning; "Preservation Programs of the Massachusetts Historical Commission"). State policy goals and objectives relating to the location and the quality and character of growth specifically include historic structures and districts within the broad emphasis supporting preservation of community character, city and town center revitalization, and the rehabilitation and reuse of existing buildings. Additionally, state policy recommendations are intended:

- to encourage cities and towns to establish Historic District Commissions (a) as part of a center revitalization program; (b) to provide design review services and encourage private investment in historic buildings and areas; and (c) as part of a local building recycling program;

- to support State Building Code revisions to encourage the rehabilitation of historic buildings;
- to ensure that state public investment and construction grant programs give maximum priority to center revitalization programs that would require local evaluation and support for areas or buildings of historic significance; and
- to coordinate state programs and agencies to foster the identification, preservation, and development of man-made cultural resources.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 1, 37, 60, 65, 66, 70.

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## VII. Consistency Assurances

### A. State Housing Element

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Housing and neighborhood strategies for Massachusetts, prepared by the Executive Office of Communities and Development is consistent with Growth Policy Report recommendations and objectives in the following areas:

- Housing policies regarding (a) the maintenance and preservation of existing public housing stock; (b) the concentration of public housing programs in older neighborhoods; and (c) the strengthening of existing communities and the encouragement of private market housing rehabilitation are consistent with State Growth Policy objectives regarding the revitalization of city and town centers, outlined in the "Location of Growth" policy and in the policy relating to the "Quality and Character of Growth." In



addition, these housing policies are consistent with the objectives of Growth Policy Action Recommendations #1, #4, and #11.

- Housing policies regarding the strengthening of existing communities and neighborhoods include provision of "comprehensive, balanced approaches to community development," reflecting Growth Policy objectives regarding the Location, Quality and Character, Level and Timing of Growth and of Growth Management. In addition, these policies are consistent with the objectives of Growth Policy Action Recommendations #1 and #11.
- Housing policies regarding the encouragement of new private market housing construction include the State Growth Policy as a strategy for policy implementation. It also supports new development in "suitable areas," reflecting Growth Policy objectives regarding the Location, Quality and Character, Level and Timing of Growth.

#### Supporting Documentation

- Housing and Neighborhood Strategies for Massachusetts: 1977-1978 (Department of Community Affairs, March 1977). See table summarizing housing and neighborhood policies and strategies for Massachusetts, p. iv. Also see DCA's Housing Element Summary Statement for additional information on consistency between housing and state growth policies.
- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 64, 67, 70.

## **B. Massachusetts Coastal Zone Management Program**

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State policy recommendations outlined in the Growth Policy Report relating to future growth and development are consistent with and supportive of Massachusetts' CZM policies. First, the CZM policies generally meet broad state goals and objectives to (a) preserve critical re-

source areas, enhance the environmental quality and character of the Commonwealth, and promote the availability and accessibility of open space and recreation areas; and (b) maintain and improve the Commonwealth's unique quality of life through wise management of its natural resources.

Secondly, and more specifically, CZM policies coincide with State Growth Policy recommendations in two categories:

- The Location of Growth Policy states that (a) growth should be channeled primarily into developed rather than outlying areas; and (b) discouraged in critical environmental areas. The Growth Policy objectives here would specifically include CZM policies relating to Marine Environment, especially CZM policies #1 and #4; policies relating to Coastal Hazards, especially CZM policies #8 and #9; policies relating to Recreation, especially CZM policies #25 through #27 and policies relating to General Development and Public Investment, especially CZM policies #34 through #37.
- The Quality and Character of Growth Policy states that (a) future growth and development shall be so designed as to complement both the natural and the man-made environments; and (b) that improving and enhancing existing living conditions shall be actively promoted.

The Growth Policy objectives here include objectives outlined in CZM policies #13 through #16, relating to Visual Environment; #21 through #27, relating to Recreation; and #34 through #37, relating to General Development and Public Investment. Growth Policy action recommendation #21 also specifically supports local participation in the CZM program. (The CZM policies are found in Appendix 1.)

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 40, 47, 60, 61, 64, 75.
- Massachusetts Coastal Zone Management Program (EOEA/OCZM, March 1977), pp. 21-25, 275-301.



## C. Areawide Waste Treatment Management Program ('208')

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The areawide waste treatment management plans authorized by Section 208 of the Federal Water Pollution Control Act are in the process of being finalized by the regional planning agencies. These plans will be delineating future service areas requiring structural solutions and will be preparing construction grant priority lists for 201 projects which will be updated every five years. The Office of State Planning, working in concert with the Executive Office of Environmental Affairs, will review the areawide plans to ensure that the state's policies and programs for guiding growth and economic development through infrastructure investment are adequately considered.

Based on EOEA's CZM Program, highest priority to 201 projects will be accorded to existing urban areas or community centers where water quality problems merit rehabilitation or new construction of treatment and collection facilities. The next highest priority will be given to projects proposed for contiguous developed areas which are as yet unsewered, but whose water quality problems merit implementation of structural solutions. Lowest priority will be given to projects proposed for undeveloped areas. These policy guidelines for 201 projects are consistent with the State Growth Policy objectives.

### Supporting Documentation

- Massachusetts Coastal Zone Management Program (EOEA/OCZM, March 1977), pp. 295 and 296.
- State of Massachusetts Coastal Zone Management Draft Environmental Impact Statement (U. S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, 1977), pp. II-31 and II-32.

## D. Statewide Comprehensive Outdoor Recreation Plan

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Recently adopted SCORP policies (see Appendix 2) regarding state programs and priorities relating to recreation and open space areas are consistent with and supportive of Growth Policy objectives in the following specific areas:



- SCORP Policies #1, #6, and #7 support Growth Policy objectives to channel growth primarily into developed areas, outlined in the Location of Growth policy and to improve and enhance existing living conditions, outlined in the Growth Policy relating to the Quality and Character of Growth, as well as general state objectives to enhance environmental quality and character, to promote the availability and accessibility of open space and recreation areas and to redirect state investment programs, including those directed toward open space and recreation, as part of a comprehensive state investment strategy. SCORP Policies #1 and #6 are also consistent with State Growth Policy Action Recommendations #1 and #2.
- SCORP Policy #2 supports Growth Policy objectives to improve and enhance existing living conditions, outlined in the Growth Policy relating to the Quality and Character of Growth as well as general state objectives to promote the availability and accessibility of open space and recreation areas and to redirect state investment programs as part of a comprehensive state investment strategy. SCORP Policy #2 is also consistent with State Growth Policy Action Recommendation #32.
- SCORP Policy #3 supports general state objectives to redirect state investment programs, including those relating to open space and recreation, as part of a comprehensive state investment strategy. SCORP Policy #3 is also consistent with State Growth Policy Action Recommendations #1 and #3.
- SCORP Policies #4 and #5, relating to Natural Area Identification and Preservation, support Growth Policy objectives to discourage growth in critical resource areas, outlined in the Location of Growth Policy as well as general state objectives to preserve critical resource areas, to enhance environmental quality and character, to redirect state investment programs, and to maintain and improve the quality of life within the Commonwealth through the wise management of natural resources. SCORP Policies #4 and #5 are also consistent with the objectives of State Growth Policy Action Recommendations #19 through #21.

- SCORP Policy #8 supports Growth Policy objectives to improve and enhance existing living conditions, outlined in the Growth Policy relating to the Quality and Character of Growth and to the objectives outlined in policies relating to both Local and State Roles in the Management of Growth. Policy #8 is also consistent with general state objectives to promote the availability and accessibility of open space and recreation areas.
- SCORP Policies #9 and #10, relating to Public Accessibility and Awareness, are consistent with general state objectives to promote the availability and accessibility of open space and recreation areas.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 40, 47, 60, 62, 64, 65, 66, 75, 82.
- Statewide Comprehensive Outdoor Recreation Policies (EOEA/DEM, December 1977), see Appendix 2.

### E. State Implementation Plan (SIP) — Air Quality

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The State Air Quality Implementation Plan will be revised following adoption of final EPA air quality regulations, expected in 1978. State regulations will be developed in accordance with this Plan after public hearing by DEQE, Division of Air and Hazardous Materials.

During the formulation of these Air Quality Regulations and State Implementation Policy, the State will insure that programs and policies relating to air quality control will be consistent with appropriate Growth and Economic Development recommendations and objectives.



## F. Transportation Planning Program

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State policy recommendations outlined in the Growth Policy Report relate both to desirable patterns of future growth and development and to the public investment policies and programs which encourage and/or support these patterns. State transportation planning objectives, outlined in "Transportation Planning Study Guidelines," Administrative Outline No. 3, Development of a Regional Planning Study (RPS), and Administrative Guideline No. 4, Development of a Corridor Planning Study (CPS) respond to and reflect Growth Policy objectives in two general areas.

First, the impact of transportation investments on early growth patterns and the project-oriented planning approach which supported these investments have been documented in the October 1975 publication of Towards a Growth Policy. The RPS and CPS guidelines now integrate transportation planning as a component of regional, long-range, comprehensive planning by (1) requiring that transportation policies and programs conform to and are consistent with local, regional, and state growth policy objectives; (2) requiring that functional transportation planning is part of and consistent with comprehensive regional growth planning processes; (3) requiring that decisions and specific proposals regarding transportation alternatives be evaluated on broad-based, comprehensive standards relating to primary and secondary social, environmental, economic, and land use impacts with regional and/or state objectives as well as to functional utility; (4) requiring that transportation planning include broad-based public and inter-agency input reflecting comprehensive needs and objectives; and (5) requiring that transportation improvements and policies be developed and tested at regional and community levels for all possible modes consistent with alternative growth policy variables.

In so doing, transportation planning guidelines meet basic Growth Policy recommendations relative to 'Location,' 'Timing,' and the 'Quality' and 'Character' of Growth, as well as to 'Growth Management' and Local, Regional, and State roles in growth planning.

Secondly, the RPS and CPS guidelines recognize and are consistent with Growth Policy programmatic objectives regarding state investments related to growth planning by (1) requiring that policy and program decisions relating to transportation planning are defined and specifically evaluated in relation to comprehensive local, regional, and state planning objectives and goals; (2) requiring that transportation investment decisions coordinate and display



consistency with other functional planning programs and state investment decisions; and (3) requiring that functional transportation planning is part of and consistent with comprehensive regional and state growth planning processes.

These Growth Policy program objectives are outlined in and part of policy recommendations relating to the 'Location,' 'Level,' and 'Timing' of Growth, the 'Quality' and 'Character' of Growth, 'Growth Management' and Local Regional, and State roles in the development of growth policies and objectives and in Action Recommendation #1.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 60-62, 64.
- Transportation Planning Study Guidelines: Development of a Regional Planning Study (RPS) (EOTC/DPW, Administrative Guideline No. 3, 1977), pp. 4, 5, 10, 14, 16, 20, 24.
- Transportation Planning Study Guidelines: Development of a Corridor Planning Study (CPS) (EOTC/DPW, Administrative Guideline No. 4, September 1977), pp. 7, 8, 10, 12.
- Joint OSP and EOTC/DPW Coordination Statement to the Regional Planning Directors dated September 24, 1975. See Appendix 6.

### G. Agricultural Policy

The State Growth Policy recommendation relating to the 'Location' of Growth states that future growth should (a) be channeled primarily into developed rather than outlying areas; and (b) discouraged in critical resource areas. Prime agricultural land is specifically cited as an example of such a critical resource area. In addition, Local Growth Policy statements tie the protection of farm-

land to the maintenance of community character and its preservation is, therefore, also reflected in the policy recommendation relating to the 'Quality' and 'Character' of Growth. In both cases, the protection of agricultural land reflects general state objectives to "preserve critical resource areas, enhance the environmental quality and character of the Commonwealth, and promote the availability . . . of open space . . ."

Application of these general State Growth Policy recommendations is contained in Growth Policy Action Recommendation #17, to "establish an acquisition of development rights program" for agricultural land. This recommendation was implemented by the passage of an emergency law, Chapter 780 of the Laws of 1977, "An Act Providing for the Acquisition of Agricultural Preservation Restrictions by the Commonwealth" signed by Governor Michael S. Dukakis on December 1, 1977.

#### Supporting Documentation

- City and Town Centers: A Program for Growth (OSP, September 1977), pp. 40, 60, 74.
- An Act Providing for the Acquisition of Agricultural Preservation Restrictions by the Commonwealth, Chapter 780 of the Acts of 1977. See Appendix 4.

## H. State Solid Waste Plan

The State Solid Waste Plan, prepared by the Resource Conservation and Recovery Act Task Force, indicates that its program objectives include consistency with "all applicable federal, state, and local policies . . . state growth and economic development policies and local home rule" and cooperation and consultation with "appropriate state, federal, regional, and local agencies." This objective would make the Solid Waste Plan consistent with all appropriate Growth Policy Report recommendations and objectives.

#### Supporting Documentation

- Commonwealth of Massachusetts State Solid Waste Plan (Department of Environmental Management, Bureau of Solid Waste Disposal in cooperation with the State Resource Conservation and Recovery Task Force, September 1977), p. 13.





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# Appendices



## LIST OF APPENDICES

1. Massachusetts Coastal Zone Management Policies (1977).
2. Massachusetts Statewide Comprehensive Outdoor Recreation Policies (1977).
3. Uniform Procedures for the Utilization and Disposition of Excess and Surplus State Real Property (Administrative Bulletin No. 77-10, October 28, 1977).
4. An Act Providing for the Acquisition of Agricultural Preservation Restrictions by the Commonwealth, Chapter 780 of the Acts of 1977.
5. Revised Procedures for the State Self-Help Program (1977).
6. DPW/OSP Joint Statement to the RPA's Concerning Coordination between Transportation Planning and State Comprehensive Planning at the Regional Level (1975).
7. Economic Revitalization of Downtown Centers (Executive Order No. 134, signed by Governor Michael S. Dukakis on March 31, 1977).
8. State Coordination and Participation with the Federal Flood Insurance Program of the National Flood Insurance Act of 1968, as amended (Draft Executive Order, 1977).
9. Draft Legislation Providing for the Establishment of a Standard Set of Wetlands Maps for the Commonwealth (to be filed in the 1978 Legislative Session).
10. SCORP Priority Rating System for Cities and Towns (1977).
11. MHFA Criteria for Selecting Housing Development Proposals (1977).
12. Memorandum of Understanding between the State (OSP/DCA) and the RPA's (Sample 1977 MOU).
13. Public Financing Programs for Business Development in Massachusetts (1977).



14. Correspondence from the Massachusetts Historical Commission regarding the Massachusetts Growth Policy (letter dated December 7, 1977).
15. An Act Providing for the Formulation of a Massachusetts Growth and Development Policy, M.G.L. Chapter 807 of the Acts of 1977.
16. An Act Providing Assistance to Certain Cities and Towns for Park and Recreational Purposes, Chapter 933 of the Acts of 1977 (also referred to as the State Urban Self-Help Program).
17. Massachusetts Growth Policy Process Chronology (1975-1977).
18. Massachusetts Economic Development Program (EDA 302): Summary of the Work Program for 1978-1979.
19. Massachusetts Water Resource Policies (1977).
20. Revised Regulations Governing the Administration of the School Building Assistance Program (House Bill No. 6109, 1977).

## APPENDIX 1.

### MASSACHUSETTS COASTAL ZONE MANAGEMENT PROGRAM

#### CZM POLICIES

##### MARINE ENVIRONMENT

Policy 1: " Conserve ecologically significant resource areas (salt marshes, shellfish beds, dunes, beaches, barrier beaches, and salt ponds) for their contributions to marine productivity and value as natural habitats ".

Policy 2: " Protect complexes of marine resource areas of unique productivity (Areas for Preservation or Restoration (APRs)); ensure that activities in or impacting such complexes are designed and carried out to minimize adverse effects on marine productivity, habitat values, water quality, and storm buffering of the entire complex ".

Policy 3: "Support attainment of the national water quality goals for all waters of the coastal zone through coordination with existing water quality planning and management agencies; ensure that water bodies within Areas for Preservation or Restoration are given priority for achievement and, where consistent with federal and state law, maintenance of the highest level of water quality; and ensure that all activities endorsed by CZM in its policies are consistent with federal and state effluent limitations and water quality standards ".

Policy 4: " Condition construction in water bodies and contiguous land areas to minimize interference with water circulation and sediment transport and to preserve water quality and marine productivity ".

Policy 5: " Ensure that dredging and disposal of dredged material minimize adverse effects on marine productivity ".

Policy 6: " Accommodate off-shore sand and gravel mining needs in areas and in ways that will not adversely affect marine resources and navigation ".

Policy 7: " Encourage and assist commercial fisheries research and development, restoration of fishery resources, the development of extensive and intensive aquaculture, and anadromous fish enhancement, initiated at local, state, and federal levels ".

COASTAL HAZARDS

Policy 8: " Discourage further growth and development in hazardous areas and preserve natural buffers throughout the coastal zone.

- a. Restrict new development in identified V and E zones and in barrier beach, sandy beach, primary dune, and salt marsh Significant Resource Areas to the permitted uses defined under Policy 1, Marine Environment section...
- b. Condition new development in contiguous upland areas within a zone extending landward to 100 feet inland of the limit of the 100 year flood, especially within designated Areas for Preservation and Restoration, to ensure that existing hazards are not exacerbated and that the proposed uses of activities are appropriate in light of the risks of damage..
- c. Ensure that development proposed to be located in intertidal areas or off-shore in coastal water bodies will not exacerbate existing erosion or flooding hazards in adjacent or downcoast areas...
- d. Encourage and support local floodplain zoning and other management of hazardous areas in all coastal towns".

Policy 9: " Ensure that state and federally funded public works projects proposed for location within the 100 year coastal floodplain will:

- a. not exacerbate existing hazards or damage natural buffers.
- b. be reasonably safe from flood and erosion related damage, and
- c. not promote growth and development in damage prone or buffer areas, especially in undeveloped areas of APR's ".

Policy 10: " Acquire undeveloped hazard prone areas for conservation or recreation use ".

Policy 11: " Provide funding and technical assistance for the restoration and stabilization of foreshore and shore areas in hazardous zones using non-structural measures ".

Policy 12: " (a) Implement federal or state structural solutions to protect property and lives only when there will be widespread public benefits and minimal adverse environmental effect..and (b) Approve permits for private flood or erosion control projects only when it has been determined that there will be no adverse effects on adjacent properties or down coast areas".



## VISUAL ENVIRONMENT

Policy 13: " Encourage incorporation of visual concerns into the early stages of the planning and design of all facilities proposed for siting in the coastal zone. Use existing review processes to ensure that publicly funded development minimizes adverse impacts on the visual environment".

Policy 14: " Review developments proposed near designated or registered historic districts or sites to ensure that federal and state actions and private actions requiring a state permit respect their preservation intent and minimize potential adverse impacts. Encourage use of local zoning, land use controls, and tax incentives to improve visual access and the compatibility of proposed development with existing community character".

Policy 15: " Expand visual access in urban areas and provide views of coastally dependent activities with significant educational or interest value".

Policy 16: " Encourage scenic river, scenic highway, and scenic road designation in the coastal zone and support designation of Areas of Preservation and Restoration as "Sign Free Areas".

## PORTS AND HARBORS

Policy 17: " Encourage maritime commerce and related development in port areas. Prohibit preemptions of proposed maritime-dependent industrial uses. Permit non-maritime dependent industrial uses which do not represent an irreversible commitment of site and which do not preempt foreseeable maritime-dependent industrial uses".

Policy 18: " Promote the widest possible public benefit from port and harbor and channel dredging and ensure such proposals are consistent with maritime environment policies".

Policy 19: " Encourage, through technical and financial assistance, the expansion of water-dependent uses in port areas and developed harbors where the risks of damage to the marine environment are minimal".

Policy 20: " Encourage urban waterfront redevelopment and renewal in developed harbors in order to link residential neighborhoods and commercial downtown areas with physical and visual access to the waterfront".

## RECREATION

Policy 21: " Improve public access to coastal recreation facilities, and alleviate auto traffic and parking problems through improvements in public transportation".

Policy 22: " Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers and equestrians, and via rivers for boaters".

Policy 23: " Increase capacity of existing recreation areas by facilitating multiple use of the sites and by improving management, maintenance and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses".

Policy 24: " Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline".

Policy 25: " Expand the physical size of existing state or local recreation facilities in regions with a high need".

Policy 26: " Acquire and develop new sites in conjunction with transportation improvements and at a scale compatible with the social and environmental characteristics of the surrounding community(ies). Give highest priority to areas with a high need and few remaining opportunities".

Policy 27: " Review developments proposed near existing public recreation sites in order to encourage minimization of their potential adverse impacts".

#### ENERGY

Policy 28: " Maximize the use of existing oil terminals. For new oil terminals, ensure that environmental impacts and effects on port operations are appropriately considered".

Policy 29: " Consider the siting of oil tank farms in areas outside the coastal zone".

Policy 30: " Weigh the environmental and safety impacts of locating proposed coastal gas facilities at alternative sites".

Policy 31: " Consider alternative sites, including inland locations, prior to siting electric generating facilities in the coastal zone".

Policy 32: " Consider alternative sites, including inland locations, for refineries. For deepwater ports consider alternative coastal sites to ensure that harm to the marine environment is minimized".

Policy 33: " In exploiting indigenous or alternative sources of energy (off-shore oil and gas, coal, solar, wind and tidal power) and off-shore mining minimize, to the extent practicable, adverse impacts on the marine environment, especially with respect to fisheries, water quality, and wildlife, and on the recreational values of the coast".

GENERAL DEVELOPMENT AND PUBLIC INVESTMENT

Policy 34: " All development must conform to existing state and federal requirements governing sub-surface waste discharge, point sources of air and water pollution, and protection of inland westlands".

Policy 35: " Upgrade public infrastructure in existing developed areas, assigning highest priority to infrastructure which meets the needs of urban and community development centers".

Policy 36: " Encourage the revitalization of existing development centers in the coastal zone by providing federal and state financial support for residential, commercial, and industrial redevelopment".

Policy 37: " Encourage the adoption of local zoning and regulatory controls which promote clustering of new development and encourage compatibility between future growth and public infrastructure investments".

Policy 38: " Encourage major developments conforming to CZM policies and assist developers to reach such conformance".

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SUPPORTING DOCUMENTATION

- . Massachusetts Coastal Zone Management Program (EOEA/OCZM March 1977)  
pp. 21-25.





## APPENDIX 2.

### MASSACHUSETTS STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN

#### SCORP POLICIES

Policy 1: " The Commonwealth recognizes that important local needs exist for acquisition, development and restoration of urban park and conservation lands. Projects addressing these needs will receive priority consideration for state and federal funding assistance. Projects designed to meet local needs shall be locally developed and managed ".

Policy 2: " The acquisition, development and restoration of regional parks and conservation areas shall be the primary responsibility of the Department of Environmental Management and the Metropolitan District Commission. Regional parks and conservation projects shall be readily accessible to metropolitan residents, preserve unique natural areas for public benefit, and/or meet critical recreation needs of urban and metropolitan residents. Regional projects undertaken by state agencies and local projects which meet regional needs shall receive priority consideration for applicable state and federal funding ".

Policy 3: " Those urban park projects which are capable of leveraging or enhancing other public or private investments in urban core communities shall be high priority activities for funding and/or development. Projects which are supportive of other revitalization activities, and which are part of a concerted revitalization program, shall also be high priority activities ".

Policy 4: " The Commonwealth shall carefully determine its role in developing and managing urban state parks and state heritage parks ".

Policy 5: " The Commonwealth shall systematically identify and protect unique diverse and endangered natural and cultural areas. Priority consideration for state and federal funding, and state capital outlay funds shall be assigned to projects which preserve these features ".

Policy 6: " The Commonwealth shall develop and implement a consistent set of programs designed to identify, protect and enhance entire natural resource systems, such as coastal beaches and marshes, watersheds, forests and mountain ranges ".

Policy 7: " The Commonwealth shall support and encourage the protection of open space and recreation/conservation lands in high growth areas which are accessible to metropolitan residents. Preservation activities in these areas shall be a priority for state and federal funding assistance over similar efforts in other areas of the Commonwealth which are not likely to succumb to development pressures and are relatively inaccessible to metropolitan residents ".

Policy 8: " The Commonwealth shall initiate programs to help cities and towns identify their recreation/natural areas preservation needs and prepare local open space plans. Local open space plans shall form the basis for local and state decisions regarding state and federal funding assistance to local projects. Special efforts shall be made to assist urban and/or high growth communities and those communities which have not previously received state and federal funds ".

Policy 9: " The Commonwealth shall develop programs to improve access to recreation facilities for the disadvantaged, aged, handicapped and urban residents who do not own automobiles. Improvements shall be made at state-owned recreation facilities to enhance and increase recreational use by these groups ".

Policy 10: " The Commonwealth shall initiate programs to improve public awareness of recreation opportunities; efforts shall be made to reach urban residents, special needs groups and the general public use of available resources ".

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#### SUPPORTING DOCUMENTATION

- . Massachusetts Statewide Comprehensive Outdoor Recreation Plan: SCORP Policy Statement and Implementation Program, (EOEA/DEM Dec. 1977). pp. 1-11.





COMMONWEALTH OF MASSACHUSETTS

ADMINISTRATIVE BULLETIN

Executive Office for Administration and Finance

by the Commissioner

APPENDIX 3.

October 28, 1977

77-10

TO: ALL AGENCY HEADS

RE: EXCESS AND SURPLUS STATE REAL PROPERTY

The purpose of this bulletin is to provide uniform policy and procedures for the utilization or disposition of excess and surplus state real properties in accordance with Chapter 7, Section 4 of The Massachusetts General Laws Annotated.

Today there are known idle properties varying in size from a few thousand square feet to parcels of more than a thousand acres. Most of these properties contain structurally sound, well maintained, readily convertible buildings. Many of these buildings are now housing on temporary occupancy several state and private agencies.

The Commonwealth now rents or leases space from the private sector in excess of \$10,000,000 annually. Therefore, to reduce that expenditure there is a need to identify all those idle buildings on the grounds of operating agencies which may now be vacant or which may be excess beyond the foreseeable needs of the agency.

All agencies shall review their current facilities and submit no later than January 16, 1978 a "Property Resume" which will include a list of land and buildings, or portions thereof, which are excess to their needs, whether vacant, occupied by other state or "private" agencies, or are otherwise underutilized by the agency. The list shall be in accordance with Section III of this bulletin. Before any new lease or an extension of an existing lease is approved by the Commissioner of Administration, a survey of existing vacant state real property will be required.

For all but exceptional instances the Commissioner will give priority of use for excess or surplus property as follows:

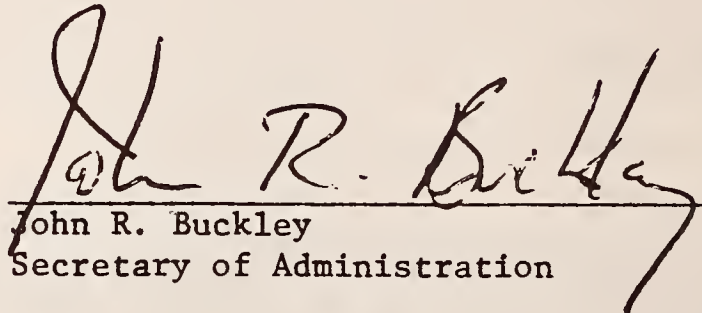
1. qualified state agencies;
2. local city or town or county governments;
3. federal agencies; and
4. non-public interests.

It is not intended to divest the Commonwealth of any real property to avoid the cost of temporary preservation. It is intended to determine the utilization of all existing properties to best accommodate the needs of the Commonwealth.



It is not the intention of this bulletin to assume the duties and responsibilities of those agencies which by existing legislation are allowed to dispose of certain real property or parts thereof taken by eminent domain for various purposes such as rights of way for roads or water courses and which are now surplus to an agency's needs.

Questions regarding this bulletin should be directed to Mr. John Berlinguet, Director of Space and Property Allocation, Room 312, State House, 727-8859.



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John R. Buckley  
Secretary of Administration

## UTILIZATION OR DISPOSITION OF EXCESS AND SURPLUS STATE REAL PROPERTY

### I. Terms and Definitions

The following terms used in this bulletin shall, unless the context otherwise requires, have the following meanings:

- a. Commissioner - The Commissioner of the Executive Office for Administration and Finance, also called the Secretary of Administration. The use of the word Commissioner is not meant to preclude authorization of a designee to perform any of the tasks included herein.
- b. Director of Space and Property Allocation - That person within the Executive Office for Administration and Finance responsible under the Commissioner for the operation of the Excess Property and Surplus Property Programs.
- c. Excess Real Property - Any land owned by the Commonwealth and whatever is erected or growing thereon or affixed thereto which is no longer considered suitable for, or no longer necessary for the mission of the holding agency.
- d. Surplus Real Property - Any land owned by the Commonwealth and whatever is erected or growing thereon or affixed thereto which is no longer considered suitable for or no longer necessary for the mission of any state agency.
- e. Excess Personal Property - That state owned movable property which is not real property, a thing attached to the land, buildings and their appurtenances and was used in the normal operation and maintenance of the excess facility.
- f. Secretary - The head of an Executive Office of the Commonwealth established under Chapter 6A or Chapter 7 of the General Laws or established under any other provision of the law which includes the particular state agency having control and jurisdiction over any real or personal property.
- g. State Agency - Any department, office, commission, committee, council, board, division, institute, bureau, or other agency within the Executive Branch of the Commonwealth. For the purpose of this bulletin, state agencies which are not located in executive offices shall be deemed to be within the Executive Office for Administration and Finance.
- h. Advisory Board - A board established by the Commissioner to advise him as to the recommendation for disposition of excess property to state agencies and surplus property to other government agencies.
- i. Surplus Property Reuse Committee - A committee established by the Commissioner to advise him as to his recommendation to the Governor and the General Court for the disposition of surplus real property to the private sector.
- j. Holding Agency - That agency which exercises control and jurisdiction of the use of a state property through legislative action.
- k. Regional Planning Agency - An area-wide entity of the Commonwealth established under Chapter 40B or Special Acts of the Massachusetts General Laws.



## II. Declaration of Excess Property

During the realignment of any holding agency's mission to meet the needs of the Commonwealth, the agency may find it can better fulfill its mission without the necessity of retaining certain real property or portions thereof. To obtain relief from the burden of operating and maintaining such property, the holding agency shall notify in writing the appropriate secretariat requesting that the property be declared excess to its needs. The approving secretary shall notify the Commissioner of Administration that the property should be classified as excess real property.

The Commissioner, after review and assessment of all data submitted, shall, within a reasonable time, classify the property as excess real property, if appropriate.

Once a holding agency or executive office has determined it will declare a property excess, that agency shall not enter into any agreement for temporary use of that property with any state, local, or private agency.

## III. Inventory of Excess Real Property and Excess Personal State Property

The Secretary's notification to the Commissioner concerning the proposed excess real property shall be accompanied by a "Property Resume" prepared by the holding agency containing information and data concerning the real and personal property, including, but not limited to, the following.

a. Size of the real property (in acres or square feet), including plot plan, deed description and encumbrances, if any.

b. Number, type, size, age, and condition of all structures, buildings, and facilities, including sewers, utilities, roads, etc., including present usage and any changes from original design. (Relate building and tract numbers to the Comptroller's annual computerized real property inventory.)

c. Physical characteristics of the real property, including topography, soil conditions, water bodies, and the like. (Relate to aforementioned property inventory.)

d. Description of present uses of the entire property by the holding agency and other authorized occupying agencies, description of their activities and extent of occupancy, e.g. buildings, lands, describe their term of occupancy.

e. Identify abutting uses and zoning, if known.

f. Annual cost to maintain the real property.

g. Assessed valuation--both land and structures.

h. Date of vacating the real property or schedule of phasing out by the holding agency.

i. Statement describing the reasons for terminating use and occupancy of the real property.

j. A map, at a reasonable scale, showing the entire site including but not limited to geographical location of the site, man-made and natural features, roads, highways,

water bodies, wetlands, slopes and the like; show the excess property and that portion, if any, that will continue in use.

k. Provision for security, protection and maintenance of the property until it has been classified as excess property by the Commissioner according to the procedures set forth herein.

1. A list of all personal state property used for the operations and maintenance of the property declared excess.

m. Any additional data.

Note: All vehicles, tools and equipment used to maintain the property shall remain on site. All other furnishings and equipment shall also remain at the discretion of the Commissioner.

#### IV. Inspection and Verification of Inventory (Real and Personal)

The Commissioner or his designee will review the "Property Resume", verify the content, and ensure that the holding agency has made adequate arrangements for the security, protection and maintenance of the real and personal property.

#### V. Ownership of Real and Personal State Excess Property

All existing real and personal property shall remain on the site to maintain this property unless otherwise directed by the Commissioner. All excess personal property shall be stored as directed by the Commissioner. All files, plans, records, test reports, and other data required for the normal operation and maintenance of the physical plant shall remain in a protected place on site for reference.

#### VI. Determination to Secure, Maintain and/or Selectively Demolish

Pending final disposition of any excess property, the Commissioner shall determine and assign, with the approval of the Governor and the General Court, the responsibility of securing and maintaining the property:

- a. to the original holding agency;
- b. to the Executive Office for Administration and Finance;
- c. to any other suitable source.

The Commissioner will identify those buildings which have outlived their usefulness and may take measures to result in their demolition.

#### VII. Temporary Use of Either Excess or Surplus Real Property

The right to use excess or surplus property on a temporary basis will continue as allowed under existing statutes. Reference is made to Section 20, Chapter 363A of the Acts of 1977 and Administrative Bulletin 74-8 for established procedures for obtaining authorization for certain uses of state owned land; and to Sections 13 through 19, Chapter 20 of the General Laws, for established procedures for use of vacant public land for garden or farm use. The Director of Space and Property Allocation will maintain updated records of authorized temporary use of excess or surplus property.



The holding agency of record shall initiate termination notices to all tenants on the property, subject to the terms of occupancy stated in their agreement. The termination notice shall note the anticipated termination date as that of the date of the declaration of excess property by the Commissioner. The Commissioner shall maintain the option for renewal of the tenancy.

#### VIII. Determination of Need for Retaining Excess Property for Other State Usage

The first preference for long term use of excess property will be directed to the need of other state agencies.

##### a. Duties and Actions of the Commissioner

The Commissioner will instruct the Director of Space and Property Allocation to advise all Secretaries and the Office of State Planning that excess property exists and to distribute detailed "Property Resumes" to interested agencies.

The Commissioner may establish an Advisory Board to advise as to his final recommendations to the Governor and Legislature for land use. The Advisory Board may also act as liaison with interested citizens of the Commonwealth. The members shall be

1. the Director of Space and Property Allocation acting as Chairman;
2. Director of the Office of State Planning, or his designee; and
3. a technically knowledgeable occupant of the original site.

The Commissioner will make his recommendation to the Governor within a reasonable time stating such terms and conditions as he may require. Upon approval, the Commissioner shall prepare legislation for consideration by the General Court as required.

##### b. Duties and Actions by the Applicant Agency

The applicant shall submit to the Commissioner a proposal for reuse of the excess property approved by the appropriate Secretariat within the time frame specified. Such proposals shall contain the following information as a minimum.

1. Specific use or uses, including any plans or other material portraying such use if available and the proposed date of occupancy.
2. Scope and nature of any changes to be made on the present site (both to land and structures).
3. Environmental impact of the proposed use.
4. Economic benefits to the Commonwealth from the proposed use.
5. Economic benefits to the immediate locality and the region.
6. Compatibility with local and regional master plans (if any) and compatibility with existing abutting local uses and zoning.



7. Amount of capital needed for the proposed use, including a projected annual budget for maintenance and operation.

8. Availability of alternatives for the agency to satisfy its need for the property by some other means.

9. Number of staff to be employed at the site, the number of staff to be housed at the site, the number of clients to be housed at the site.

10. Additional information as deemed necessary by the Commissioner.

c. Option to Declare Excess Real Property as Surplus Real Property

If the Commissioner determines that the proposed excess real property or portions thereof is not needed by any state agency or if he determines that the Commonwealth would be better served by the options provided in Sections IX or X, he shall recommend to the Governor and the General Court that the property or parts thereof be classified as surplus real property. The Commissioner shall include in his recommendation a request for funding for associated costs. Upon approval the Commissioner shall notify the Director of Space and Property Allocation of the availability of such classified surplus real property.

IX. Determination of Need for Transferring Title of Surplus Property to Federal, County, Town, City or Other Government Agencies

The Commissioner and applicants will follow the same procedures outlined in Section VIII except that the Director of Space and Property Allocation will notify federal, county, town, city or other government agencies or officials that surplus property exists and will provide "Property Resumes" to those interested agencies.

The Commissioner may request and review applications under this section concurrent with such applications requested in Section VIII.

The Commissioner will make a recommendation to the Governor regarding which public agency or agencies, if any, to whom title(s) to said property should be transferred. Terms and conditions shall accompany such recommendation.

If the Governor approves, the Commissioner will prepare legislation for consideration by the General Court. However, prior to the disposal of any surplus property, the Commissioner shall have the property appraised by two qualified disinterested appraisers. The purchase price shall be established as under Sections XII and XIII of this bulletin.

X. Determination of Need for Transferring Title or for Leasing Surplus Property to the Private Sector.

The Commissioner, after reviewing requests for use of the proposed surplus property received from state and other governmental agencies, may determine that the interest of the Commonwealth may be best served by disposition of the property to the private sector.

The Commissioner will notify the Governor and the General Court of his recommendation to proceed in disposing of the property to the private sector.

The Commissioner will instruct the Director of Space and Property Allocation to inform the Surplus Property Reuse Committee, established under Section XI of this bulletin, of the availability of such property.

The Committee will solicit, review, and evaluate property reuse proposals, and shall actively pursue and develop possible land uses, to the best extent possible, to induce related business, industry, recreation, or other groups to consider these new land uses.

The Commissioner shall engage two qualified disinterested appraisers to prepare detailed reports on the property if he has not already done so under Section IX.

All reuse proposals shall contain such information as the Committee may require including, but not limited to, the nature of the proposed use or uses, scope and nature of alterations or changes to be made on the present site (land and structures), environmental impact of the proposed use or uses, economic benefit to the locality, the region, and the state as a whole, compatibility with local, regional, and state policies and programs.

The Committee shall within a reasonable period of time after review of reuse proposals make a recommendation as to the future disposition of such property.

The Committee will submit this recommendation to the Commissioner with all pertinent information and documentation to support its recommendation. The Commissioner upon review will forward his recommendation to the Governor.

Upon the Governor's approval, the Commissioner shall prepare legislation for consideration by the General Court.

#### XI. Surplus Property Reuse Committee

The Surplus Property Reuse Committee is herein established to advise the Commissioner as to his recommendations to the Governor and the General Court to enact a transfer or a lease of state owned property, classified surplus to the state, to the private sector.

The membership of the Committee shall consist of the following:

- a. the Director of Space and Property Allocation, as designee of the Commissioner, shall act as Chairman;
- b. the Director of the Office of State Planning, or his designee;
- c. the Commissioner of the Department of Commerce and Development, or his designee;
- d. the Chief Executive or his designee of the city or town in which the property lies;
- e. a representative of the regional planning board or agency.

The Committee shall call upon members of the Secretariat and their agencies for assistance as it may require in determining the merits of the proposals before it. The Committee shall call upon the services of a technically knowledgeable member of the original site occupant.

The Committee shall meet bi-monthly or more often as the timely disposition of property may demand.



## XII. Purchase Price or Leasing Price

In no instance, other than disposal to a municipality or other public entity, shall classified surplus real property be sold for other than consideration which is equal to or more than the fair market value of said property at the time of the sale as determined by two independent appraisals by qualified, disinterested appraisers appointed by the Commissioner, whose fees may be paid from the proceeds of such sale or disposition. Where a lease agreement will better serve the Commonwealth, lease rates shall be as established under Chapter 7, Section 3B of the General Laws Annotated and Administrative Bulletin 76-3 issued on April 3, 1976, as either may be amended. Where conditions under Bulletin 76-3 do not apply, appraisals shall be made as above to establish rates.

Where surplus property is sold or leased to a municipality or other public entity, the Commissioner may establish equitable price which may be less than the fair market value as determined above.

## XIII. Exemptions

The Commissioner may for good cause exempt properties from compliance with this bulletin.

The Commissioner may during any phase of the disposition of excess or surplus property elect to abandon these proceedings and direct that the property be closed and sealed and otherwise protected for reuse at some future date. Securing and maintaining said properties shall be accomplished as defined in Section VI.

The two existing committees for land reuse in Gardner and in Foxboro shall continue in their functions until such time as they have completed their task or for one year from the date of this bulletin whichever comes first. Current negotiations for surplus property at Grafton State Hospital shall continue as directed by the General Court under Section 60, Chapter 363A of the Acts of 1977.





THE COMMONWEALTH OF MASSACHUSETTS

*In the Year One Thousand Nine Hundred and Seventy-seven*

AN ACT PROVIDING FOR THE ACQUISITION OF AGRICULTURAL PRESERVATION  
RESTRICTIONS BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the protection and preservation of agricultural lands, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. \_\_\_\_\_

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 132A of the General Laws is hereby amended by inserting after section 11 the following four sections:-

Section 11A. The secretary of environmental affairs shall establish a program to assist the commonwealth in the acquisition of agricultural preservation restrictions as defined in section thirty-one of chapter one hundred and eighty-four, for land actively devoted to agricultural or horticultural uses as defined in sections one to five, inclusive, of chapter sixty-one A. The commissioner of food and agriculture may from funds appropriated to carry out the provisions of this section, or received from other sources, pay any agricultural land owner for a project submitted by a city or town and approved by the agricultural lands preservation committee established by section eleven B such amount as is determined by said agricultural lands preservation committee to be equitable in consideration of anticipated benefits from such project but not to exceed the difference between the fair market value of such land and the fair market value of such land restricted for agricultural purposes pursuant to this section. Title to agricultural preservation restrictions purchased by the commonwealth pursuant to this section shall be held in the name of the commonwealth. Projects shall be administered by conservation commissions in cities and towns in which such commissions have been established, or in a city, by the city council or its delegated agency subject to the provisions of the city charter, or in a town, by

the board of selectmen or its delegated agency. Said commissioner, subject to the approval of the secretary, shall establish procedures for management of such program.

Section 11B. There is hereby created an agricultural lands preservation committee in the department of food and agriculture, the members of which shall be the commissioner of food and agriculture, who shall be chairman, the secretary of environmental affairs, the secretary of communities and development, the director of the office of state planning, the chairman of the board of food and agriculture or their respective designees, and four members appointed by the governor, two of whom shall be owners and operators of farms within the commonwealth. The dean of the college of food and natural resources of the University of Massachusetts and the state conservationist of the United States Department of Agriculture Soil Conservation Service, or their respective designees, shall serve as nonvoting members. Said committee shall evaluate and accept or reject projects submitted by cities and towns. In so evaluating, the committee shall consider at a minimum the following:-

1. The suitability of land as to soil classification and other criteria for agricultural use.
2. The fair market value of such land and the fair market value of such land when used for agricultural purposes as determined by independent appraisals.
3. The degree to which the acquisition would serve to preserve the agricultural potential of the commonwealth.

The commissioner of food and agriculture may establish such rules and regulations as may be deemed necessary to carry out the purposes of this section.

Section 11C. The agricultural lands preservation committee shall prepare an annual report. Such report shall include the number and geographic distribution of applications accepted and rejected, the acreage and costs of purchases, and such other information as will enable the program to be evaluated.

Section 11D. Land under agricultural preservation restrictions, while actively devoted to agricultural, horticultural or agricultural and horticultural use as defined in sections one to five, inclusive, of chapter sixty-one A, shall be assessed for general property tax purposes at values no greater than those determined by the methods and provisions of section ten of said chapter sixty-one A.



SECTION 2. Section 31 of chapter 184 of the General Laws, as amended by chapter 15 of the acts of 1976, is hereby further amended by adding the following paragraph:-

An agricultural preservation restriction means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land appropriate to retaining land or water areas predominately in their agricultural farming or forest use, to forbid or limit any or all (a) construction or placing of buildings except for those used for agricultural purposes or for dwellings used for family living by the land owner, his immediate family or employees; (b) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's overall future agricultural potential; and (c) other acts or uses detrimental to such retention of the land for agricultural use. Such agricultural preservation restrictions shall be in perpetuity except as released under the provisions of section thirty-two. All other customary rights and privileges of ownership shall be retained by the owner including the right to privacy and to carry out all regular farming practices.

SECTION 3. Said chapter 184 is hereby further amended by striking out section 32, as most recently amended by section 294 of chapter 706 of the acts of 1975, and inserting in place thereof the following section:-

Section 32. No conservation restriction or agricultural preservation restriction as defined in section thirty-one, held by any governmental body or by a charitable corporation or trust whose purposes include conservation of land or water areas or of a particular such area, and no preservation restriction, as defined in section thirty-one, held by any governmental body or by a charitable corporation or trust whose purposes include preservation of buildings or sites of historical significance or of a particular such building or site, shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable or being assigned to any other governmental body or to any charitable corporation or trust with like purposes, provided (a) in case of a restriction held by a city or town or a commission, authority, or other instrumentality thereof it is approved by the secretary of environmental affairs if a conservation restriction, the commissioner of food and agriculture if an agricultural

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preservation restriction or the Massachusetts historical commission if a preservation restriction, and (b) in case of a restriction held by a charitable corporation or trust it is approved by the mayor, or in cities having a city manager the city manager, and the city council of the city, or the selectmen or town meeting of the town, in which the land is situated, and the secretary of environmental affairs if a conservation restriction, the commissioner of food and agriculture if an agricultural preservation restriction or the Massachusetts historical commission if a preservation restriction.

Such conservation, preservation, and agricultural preservation restrictions are interests in land and may be acquired by any governmental body or such charitable corporations or trust which have power to acquire interest in the land, in the same manner as it may acquire other interests in land. Such a restriction may be enforced by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. Such a restriction may be released, in whole or in part, by the holder for such consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the governmental body holding the restriction or if held by a charitable corporation or trust, by the mayor, or in cities having a city manager the city manager, the city council of the city or the selectmen of the town, whose approval shall be required, and in case of a restriction requiring approval by the secretary of environmental affairs, the Massachusetts historical commission or the commissioner of food and agriculture, only with like approval of the release.

No restriction that has been purchased with state funds shall be released unless it is repurchased by the land owner at its then current fair market value. Funds so received shall revert to the fund sources from which the original purchase was made, or, lacking such source, shall be made available to acquire similar interests in other land. Agricultural preservation restrictions shall be released by the holder only if the land is no longer deemed suitable for agricultural or horticultural purposes or unless two-thirds of both branches of the general court, by a vote taken by yeas and nays, vote that the restrictions shall be released for the public good.



Approvals of restrictions and releases shall be evidenced by certificates of the secretary of environmental affairs or the chairman, clerk or secretary of the Massachusetts historical commission, the commissioner of food and agriculture, city council, or selectmen of the town, duly recorded or registered.

In determining whether the restriction or its continuance is in the public interest, the governmental body acquiring, releasing or approving shall take into consideration the public interest in such conservation, preservation or agricultural preservation, and any national, state, regional and local program in furtherance thereof, and also any public state, regional or local comprehensive land use or development plan affecting the land, and any known proposal by a governmental body for use of the land.

This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provisions hereof, be unenforceable. Nothing in this section or section thirty-one and section thirty-three shall diminish the powers granted by any general or special law to acquire by purchase, gift, eminent domain or otherwise to use land for public purposes.

Nothing in this section shall prohibit the department of public utilities from authorizing the taking of easements for the purpose of utility services provided that (a) said department shall require the minimum practicable interference with farming operations with respect to width of easement, pole locations and other pertinent matters, (b) the applicant has received all necessary licenses, permits, approvals and other authorizations from the appropriate state agencies, (c) the applicant shall compensate the owner of the property in the same manner and at the same fair market value as if the land were not under restriction.

SECTION 4. The first sentence in the first paragraph of section 33 of said chapter 184, as appearing in section 5 of chapter 666 of the acts of 1969, is hereby amended by striking out, in line 4, the words "and preservation restrictions" and inserting in place thereof the words:- , preservation and agricultural preservation restrictions.

SECTION 5. The second sentence of the third paragraph of said section 33 of said chapter 184, as amended by section 295 of chapter 706 of the acts of 1975, is hereby further amended by striking out, in line 7,



the words "approves a conservation or preservation restriction" and inserting in place thereof the words:- or the commissioner of food and agriculture approves a conservation or preservation restriction or agricultural preservation restriction.

SECTION 6. The fourth paragraph of said section 33 of said chapter 184, as appearing in section 5 of chapter 666 of the acts of 1969, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- The registers of deeds, or a majority of them, may from time to time make and amend rules and regulations for administration of public restriction tract indexes, and the provisions of section thirteen A of chapter thirty-six shall not apply thereto. No such rule, regulation or any amendment thereof shall take effect until after it has been approved by the attorney general.

SECTION 7. Said section 33 of said chapter 184 is hereby amended by striking out the fifth paragraph, as amended by section 296 of chapter 706 of the acts of 1975, and inserting in place thereof the following paragraph:-

Except in the case of a restriction noted on the certificate of title of registered land subject thereto, or where the general location of the restricted land is indicated on a zoning map published by a city or town with a reference to a marginal note or list indicating the original or then holder of the restriction and the place of record in the public records of the instrument imposing the restriction, no conservation, preservation restriction or agricultural preservation restriction having the benefit of section thirty-two, and no other restriction held by any governmental body, which is not so indexed in the public restriction tract index shall be enforceable after thirty years from the recording of the instrument imposing it unless before expiration of such thirty years there is similarly recorded a notice of restriction identifying the instrument and its place of record in the public records and naming one or more of the owners of record of each parcel of land to be affected by the notice, nor enforceable after twenty years from the recording of any such notice unless before the expiration of twenty years another such notice is so recorded. Such notices may be given by any official of a governmental body holding the restriction, by the secretary of environmental affairs in case of a restriction approved by him, by the chairman or acting chairman of the Massachusetts historical commission

in case of a restriction approved by it, by the commissioner of food and agriculture in case of a restriction approved by him, or by any official or any charitable corporation or trust holding the restriction or whose purposes include, in case of a conservation restriction, the conservation of land or water areas, or in case of a preservation restriction, the preservation of buildings or sites of historical significance, in case of an agricultural preservation restriction the preservation of agricultural lands.

SECTION 8. The registers of deeds shall promulgate on or before January first, nineteen hundred and eighty, rules and regulations required by the fourth paragraph of section thirty-three of chapter one hundred and eighty-four of the General Laws, as amended by section six of this act.

SECTION 9. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of five million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Agricultural Preservation Restriction Outlay Loan, Act of 1977, and shall be on the serial payment plan for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and ninety-two.

SECTION 10. The commissioner of food and agriculture shall appoint a task force to consider mechanisms for the protection and promotion of agriculture in the commonwealth, including but not limited to the designation of agricultural districts, creation of a land trust, and extension of

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the agricultural preservation restriction program to cover other lands and other mechanisms of financing. The task force shall report its recommendations to the general court from time to time, and shall submit a preliminary report to the general court on or before January first, nineteen hundred and seventy-eight.

House of Representatives, November 21, 1977.

Preamble adopted,

*Thomas W. McGehee*

, Speaker.

In Senate, November 21, 1977.

Preamble adopted,

*Kevin B. Smith*

, President.

House of Representatives, November 21, 1977.

Bill passed to be enacted,

*George Keverian*

Acting  
Speaker.

In Senate, November 22, 1977.

Bill passed to be enacted,

*Kevin B. Smith*

, President.

December 1, 1977.

Approved,

at 12 o'clock and 20 minutes, P. M.

*Richard J. Dukakis* Governor.





# *The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

*Division of Conservation Services*

*Leverett Saltonstall Building*

*100 Cambridge Street, Boston 02202*

## M E M O R A N D U M

TO: All interested parties

FROM: Joel A. Lerner, Director

RE: Revised procedures for the Self-Help program

DATE: November 3, 1977

Enclosed you will find copies of material pertaining to revisions in the requirements and procedures for the state Self-Help program for municipal assistance in conservation land acquisition. This information has already been distributed to each conservation commission.

The Self-Help Project Selection System enclosed herein was developed with the assistance of a committee representing the Department of Community Affairs, Citizen's Housing and Planning Association, Massachusetts Commission Against Discrimination, Massachusetts Association of Conservation Commissions, the League of Women Voters, the Department of Environmental Management, Office of State Planning, Education Instruction, Inc. and the Executive Office of Environmental Affairs. This selection system was designed to identify for funding those projects which best protect natural resources and open space in communities which most urgently need state financial assistance.

In recognition of the need to protect natural resources and open space in densely populated areas, the Self-Help Project Selection System includes several criteria which reflect the Commonwealth's concern with enhancing and revitalizing the urban environment. In addition, the Self-Help Project Selection System includes a review of communities' housing and employment practices as per Article XIII of the Governor's Executive Order 74 which requires that all state grant programs be administered with consideration for participants' efforts to eliminate patterns and practices of discrimination. The Governor's Economic Development Cabinet has acknowledged that all state grant programs will incorporate similar reviews into their application processes.

MASSACHUSETTS SELF-HELP PROGRAMAN ACT ESTABLISHING A CONSERVATION PROGRAM FOR CITIES AND TOWNS

Chapter 132A of the General Laws is hereby amended by adding the following section: Section 21. The Secretary of Environmental Affairs shall establish a program to assist the cities and towns, which have established conservation commissions under Section 8C of Chapter 40, in acquiring lands and in planning or designing suitable public outdoor facilities as described in Sections 2B and 2D\*. He may, from funds appropriated to carry out the provisions of Section 3, reimburse any such city or town for any money expended by it in establishing an approved project under said program in such amount as he shall determine to be equitable in consideration of anticipated benefits from such project, but in no event shall the amount of such reimbursement exceed fifty percent of the cost of such project. No reimbursement shall be made hereunder to a city or town unless a project application is filed by such city or town with the Secretary, setting forth such plans and information as the Secretary may require and approved by him, until such city or town shall have appropriated, transferred from available funds or have voted to expend from its conservation fund, under Clause 51 of Section 5 of Chapter 40\*\*, an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the Secretary, in accordance with said approved plans. Any reimbursement received by a city or town under this section shall be applied to the payment of indebtedness, if any, incurred in acquiring land for such conservation project.

APPROVED - July 5, 1960. Amended: April 20, 1966, November 25, 1975.

\*Section 2B. It is hereby declared to be the policy of the Commonwealth that all such sites acquired or developed by the Commissioner (of the Department of Environmental Management) shall insofar as practicable be preserved in their natural state; that they shall be insofar as possible collectively self-supporting; and that no commercial activities except those essential to the quiet enjoyment of the facilities by the people shall be permitted.

\*Section 2D. In the development and improvement of state parks, state forest recreation areas and state reservations, the Commissioner (of the Department of Environmental Management) is hereby authorized and empowered:

1) To acquire, plan, construct, maintain and operate public recreation facilities, including roads, areas for parking, picnicking and camping, provisions for swimming, wading, boating, outdoor games, winter sports, horseback riding, bicycling and hiking trails, nature study, rest areas, outlooks, comfort stations, food accommodations and such other facilities as the Commissioner deems necessary and desirable and consistent with the policy of the Commonwealth, as set forth in Section 2B.

\*\*According to G.L. Ch. 44, Sec. 8C, a city or town may also borrow money for the acquisition of land for conservation or recreation purposes, in anticipation of state or federal reimbursement. Such a loan is permissible only if the city or town has written state or federal agreement of reimbursement.

PUBLICATION: #10,004-5-1000-10-77-CR

APPROVED by Alfred C. Holland, State Purchasing Agent.



2) To impose and collect such charges and fees for the use of lands, buildings, facilities and equipment enumerated in sub-division (1) as may be necessary to defray insofar as practicable the cost of such developments and improvements, including costs of maintenance and operation, bond amortization and interest and to revise said fees and charges from time to time.

3) To designate such areas as may be used in season for hunting and fishing.

N.B. - The Self-Help program established and administered by the Secretary of Environmental Affairs is intended to be consistent with the projects and responsibilities of the Commissioner of the Department of Environmental Management as set forth in Sections 2B and 2D above.

#### SELF-HELP PROCEDURE (Revised 10/77)

##### Step 1.

Conservation commission requests Self-Help application from the Division of Conservation Services before purchasing land. At this time, deadlines for filing applications should be ascertained.

##### Step 2.

Conservation commission files complete application with the Division of Conservation Services before purchasing land. The following items must be included with the application:

- a) Certified copy of town vote accepting M.G.L. Chapter 40, Section 8C.
- b) Certified copy of date conservation commission was established and current appointments to commission.
- c) Plot plan of area adequately defining metes and bounds of project.
- d) Professional appraisals: See Appraisal Requirements for the Self-Help and Land & Water Conservation Fund programs.
- e) Open space/recreation plan no more than five years old if not already on file with the Division of Conservation Services or evidence that such a plan is underway and will be complete by the application filing deadline.

No incomplete applications will be accepted.

If a city or town intends to file an application for assistance jointly with the Bureau of Outdoor Recreation Land and Water Conservation Fund and the Massachusetts Self-Help program, it is suggested that contact be made with the Division of Conservation Services prior to submitting these applications.



Step 3.

Conservation commission submits articles to be placed in Town Warrant to Division of Conservation Services for review before Town Meeting or City Council vote. Municipal counsel should be consulted in drafting the article or order. The article shall cite the particular parcel to be acquired and shall contain authorization to seek funding under M.G.L., Chapter 132A, Section 11 and to enter into any contracts therefor. Similar authorization is necessary for federal Land and Water Conservation Fund assistance.

Step 4.

Application assigned for field examination by Division of Conservation Services to Assistant Regional Forests and Parks Supervisor.

In some emergency cases in which the subject property must be acquired before the Self-Help application can be processed, the Division of Conservation Services may grant permission to proceed with acquisition, provided that a field examination has been completed and that a complete Self-Help application with all the necessary attachments listed in Step 2 above has been submitted to the Division. This clearance to proceed with acquisition in no way obligates the Commonwealth to fund the project.

Step 5.

Interagency review and priority rating by the Division of Conservation Services and Self-Help Review Committee. Consultations with the conservation commission, if necessary.

Step 6.

Application reviewed and approved or rejected by Secretary of Environmental Affairs.

Step 7.

Project approval, billing forms and Self-Help contract for approved projects sent to conservation commissions. Funds are at this time obligated for approved projects. Applications which are not approved are returned to commissions with brief explanations of why the projects were rejected and recommendations regarding resubmission of the applications.

Step 8.

Town or City votes to appropriate, transfer from available funds, expend from its Conservation Fund, or borrow an amount equal to the total cost of the project stated in the Self-Help application. A city

or town may vote to borrow funds in anticipation of state or federal reimbursement prior to receiving agreement of reimbursement; however, the borrowing cannot actually take place until state or federal consent of reimbursement has been given. Municipal approval may also take place prior to Step 1 but commissions should ensure proper compliance with Self-Help policies and procedures.

#### Step 9.

Conservation commission makes purchase after having received Town Meeting or City Council and Executive Office of Environmental Affairs approvals.

#### Step 10.

Conservation commission files billing form with Division of Conservation Services after purchase completed. The following documents, in duplicate, must accompany the billing form:

- a) Certified copy of deed or order of taking, as recorded.  
The grantee clause of all deeds granting lands or interest therein to cities and towns in which the conservation commission is applying for Self-Help funds shall contain the following ". . .hereby grant(s) to the city/town of \_\_\_\_\_ through its conservation commission for administration, control and maintenance under the provisions of General Laws, Chapter 40, Section 8C as amended, with \_\_\_\_\_ covenants the land in \_\_\_\_\_ bounded and described as follows."
- b) Municipal counsel's certification of title (statement relative to the condition of the title).
- c) Vote of Town Meeting or City Council authorizing the purchase of said parcel of land.
- d) Attested statement of the City or Town Treasurer indicating the amount of payment made, the grantor, date paid and authority of payment together with a xerox copy of the cancelled check(s).  
In cases of owners unknown or refusal to accept pro tanto payment the treasurer shall certify that he or she has complied with the provisions of Chapter 79, Section 7D.

N.B. Reimbursements for Self-Help projects are based on the cost of land acquisition only. Self-Help funds cannot be used for payment of back taxes, interest charges, court costs or any fees other than the cost of the land itself.



- e) Self-Help contract. A copy of this contract must be recorded at the Registry of Deeds either at the same time the deed for land comprising the Self-Help project is recorded or later as an adjunct to the deed.
- f) Evidence that a permanently fixed sign, which identifies the project as a cooperative venture between the municipal conservation commission and the Commonwealth of Massachusetts, has been placed at a prominent access point to the property. This sign must be constructed of sturdy enough material to be permanent and must be large enough to be clearly visible. In suitable project areas, off-street parking may also be required.

Step 11.

Billing form and documents reviewed by the Division of Conservation Services for any changes from the project application.

Step 12.

Report to Secretary of Environmental Affairs on billing and request for approval.

Step 13.

Invoice prepared and submitted for payment. Self-Help sign must be in place at main access point before payment will be made.

Step 14.

Payment made to municipality.

Division of Conservation Services  
Executive Office of Environmental Affairs

Revised 10/77



## SELF-HELP PROJECT SELECTION SYSTEM

In order to distribute limited Self-Help funds among an overwhelming number of applicants, a project selection system has been developed. This system is a review process which considers a number of demographic, social, environmental and project quality factors in order to identify those projects which best protect natural resources in communities which have the greatest need for financial assistance and which have made efforts to implement their open space plans in coordination with local planning for future growth. The review process includes the following.

### I. RATING OF APPLICANT COMMUNITIES AND THEIR RESPECTIVE PROJECTS ACCORDING TO THE FOLLOWING CRITERIA:

#### A. Demographic Factors      Maximum total 50 points

1. Population Density (persons per square mile)      10 points  
- weighted to favor municipalities with high population concentrations and therefore greater need for open space.  
Data from Department of Community Affairs 1975 State census.
2. Percent of Households Below Poverty Level      10 points  
- weighted to give priority to municipalities having high percentages of their families below the poverty level.  
Data from 1970 census.
3. Median Income for Families and Unrelated Individuals      10 points  
- maximum points to be awarded to municipalities whose median income level is below the state median.  
Data from 1970 census.
4. Equalized Valuation Per Capita      10 points  
- preference given to municipalities with low equalized values, assuming equalized value reflects to some degree ability to pay for acquisition of open space.  
Data from Department of Corporations and Taxation, 1976.
5. Project-Specific Demographic Factors
  - a. Project Accessibility by Public Transportation      5 points
  - b. Project Service to Population Centers      5 points

#### B. Project Quality Characteristics      Maximum total 50 points

1. Project Consistency with Local Open Space Plan      10 points  
- points to be awarded according to how well project realizes the goals and objectives of the local open space plan and how well it fulfills the needs of the municipality in lieu of alternatives to outright acquisition such as conservation restrictions, flood plain zoning, development controls, etc.

- |    |   |           |
|----|---|-----------|
| 2. | Protection of Water Resources                                 | 10 points |
| 3. | Protection of Unique Natural, Historical or Cultural Features | 8 points  |
| 4. | Provision of Multiple Uses                                    | 7 points  |
| 5. | Protection of Wildlife Resources                              | 5 points  |
| 6. | Intergovernmental Effort                                      | 10 points |
- points to be awarded for project's consistency with policies and programs of other agencies i.e., the Executive Office of Environmental Affairs, the Office of State Planning, the Statewide Comprehensive Outdoor Recreation Plan, Coastal Zone Management, Regional Planning Agencies, or of other municipalities.

#### DEMOGRAPHIC FACTORS POINT DISTRIBUTIONS

<u>POPULATION</u>			
<u>POINTS</u>	<u>DENSITY (Persons/Sq.Mi.)</u>	<u>POINTS</u>	<u>EQUALIZED VALUATION/CAPITA</u>
0	0 - 50	0	\$ over 50,000
1	51 - 100	1	20,000 - 50,000
2	101 - 299	2	15,000 - 19,999
3	300 - 499	3	13,000 - 14,999
4	500 - 599	4	12,000 - 12,999
5	1,000 - 1,499	5	11,000 - 11,999
6	1,500 - 1,999	6	10,000 - 10,999
7	2,000 - 4,999	7	9,000 - 9,999
8	5,000 - 9,999	8	8,000 - 8,999
9	10,000 - 16,000	9	7,000 - 7,999
10	Over 16,000	10	under 7,000

<u>PERCENT OF HOUSEHOLDS</u>			
<u>POINTS</u>	<u>BELOW POVERTY LEVEL</u>	<u>POINTS</u>	<u>FULL VALUE TAX RATE</u>
0	0 - 1.99%	0	\$ under 10.00
1	2.0 - 2.99%	1	10.00 - 19.99
2	3.0 - 3.99%	2	20.00 - 29.99
3	4.0 - 4.99%	3	30.00 - 34.99
4	5.0 - 5.99%	4	35.00 - 39.99
5	6.0 - 6.99%	5	40.00 - 49.99
6	7.0 - 7.99%	6	50.00 - 59.99
7	8.0 - 8.99%	7	60.00 - 69.99
8	9.0 - 9.99%	8	70.00 - 79.99
9	10.0 - 14.99%	9	80.00 - 90.00
10	15.0% and over	10	over 90.00

POINTS      MEDIAN INCOME (for families & unrelated individuals)

0	\$ over 20,000
1	15,000 - 19,999
2	13,000 - 14,999
3	12,000 - 12,999
4	11,000 - 11,999
5	10,000 - 10,999
6	9,000 - 9,999
7	8,000 - 8,999
8	7,000 - 7,999
9	5,000 - 6,999
10	under 5,000



## II. INTERAGENCY REVIEW OF APPLICANT COMMUNITIES AND THEIR RESPECTIVE PROJECTS

The Office of State Planning, in cooperation with the Division of Conservation Services, will coordinate an inter-agency review of all Self-Help applications and submit all comments and recommendations to the Division of Conservation Services for transmission to the applicants. The Massachusetts Commission Against Discrimination (MCAD) and the Department of Community Affairs (DCA) will utilize this review to make appropriate comments on the applicant communities' employment practices, housing practices, and housing plans.

- A. In reviewing applications, the Office of State Planning will evaluate projects for consistency with the State's Growth Policy, placing an emphasis on projects that are consistent with and supportive of community revitalization efforts.
- B. The Governor's Code of Fair Practices (Executive Order No. 74 as amended by No. 116) requires that state agencies disbursing financial assistance require recipient agencies and organizations to undertake affirmative action programs designed to eliminate patterns and practices of discrimination due to race, color, sex, or national origin and to remedy the effects of underrepresentation and underutilization of minorities and women.

The Massachusetts Commission Against Discrimination staff will evaluate each applicant community's past and present equal opportunity performance in accordance with MCAD Equal Employment Opportunity, Contract Compliance and Fair Housing Guidelines which will be available at the Commission offices, Room 601, One Ashburton Place, Boston, Massachusetts 02108.

- C. The Massachusetts Department of Community Affairs will evaluate both the past and planned future effort of each applicant community to satisfy low and moderate income housing needs identified in the DCA Housing Needs Study. Each applicant community should have a plan for seeking housing subsidies appropriate to the community's needs for rental assistance or new construction for family and for elderly households. The emphasis in the review process will be on communities whose housing needs are greater than 200 units. The Department of Community Affairs review will include consideration of the community's geographic location and the housing needs of the surrounding area.



### III. REVIEW OF APPLICATIONS BY SELF-HELP FUND REVIEW COMMITTEE

An interagency committee appointed by the Secretary of Environmental Affairs will review Self-Help project applications and make funding recommendations to the Secretary. The Committee will consist of representatives from:

Division of Conservation Services  
 Department of Community Affairs  
 Office of State Planning  
 Massachusetts Commission Against Discrimination  
 Massachusetts Association of Conservation Commissions  
 Department of Environmental Management, Office of  
 Planning (SCORP)  
 Office of Coastal Zone Management  
 Division of Fisheries and Wildlife  
 Metropolitan District Commission

In reviewing applications and developing their funding recommendations the Self-Help Fund Review Committee will consider:

- a. Project's consistency with and/or contribution to various agencies' policies and programs.
- b. Amount of Self-Help funds received in past by municipality.
- c. Municipal housing situation (information and comments to be supplied by DCA via OSP).
- d. Municipal equal employment opportunity situation (information and comments to be supplied by MCAD via OSP).

Staff from all the agencies listed above as members of the Self-Help Fund Review Committee will be available to provide information and assistance pertinent to their particular charges and areas of expertise.

SPECIFICATIONS FOR APPRAISAL REPORTS

MASSACHUSETTS SELF-HELP PROGRAM, M.G.L. CHAPTER 132A, SECTION 11  
 BUREAU OF OUTDOOR RECREATION LAND AND WATER  
 CONSERVATION FUND

B.O.R. LAND AND WATER CONSERVATION FUND APPRAISAL REQUIREMENTS

Appraisals submitted with Bureau of Outdoor Recreation Land and Water Conservation Fund applications should be analytical narrative reports following current professional appraisal standards. All components of the report such as introductory and supporting data, valuation analysis, limiting conditions, and certifications should meet these standards. If necessary, the Division of Conservation Services will furnish supplementary specifications which delineate additional required data in the appraisal of highly specialized properties or properties to be acquired under unusual circumstances.

Land and Water Conservation Fund applications for property valued at \$25,000 or more, or to be purchased from another public agency, or which involve exchange of real property require two full appraisal reports. Applications for property valued from \$1,000 to \$25,000 require one full appraisal and one opinion of value.

MASSACHUSETTS SELF-HELP PROGRAM APPRAISAL REQUIREMENTSIf the total project cost is:Self-Help project application must be accompanied by:

\$ 1.00 - \$10,000

2 opinions of value

\$ 10,001 - \$25,000

1 full appraisal and  
1 opinion of value

\$ 25,001 and above

2 full appraisals

An opinion of value is a brief statement from a qualified appraiser that a property is worth a given amount; an opinion can be based upon the appraiser's knowledge of land values, and need not be substantiated by documented data. Opinions of value submitted with Self-Help applications should include a short statement of the appraiser's experience and qualifications, a brief description of the factors considered in valuing the property and the means by which the appraiser concluded the value of the parcel. The Division of Conservation Services reserves the right to request additional information if it deems the opinion of value inadequate.

A full appraisal is a comprehensive analysis, substantiated by documented data, of the value of a property. Full appraisals submitted with Self-Help project applications must follow the format elaborated below.



## FULL APPRAISAL FORMAT FOR BOTH PROGRAMS

The report shall be found, in book-fashion, in the left margin, in a durable cover with an identification of the property on the face thereof. The paper shall be a good grade bond of size 8½ by 11 inches. All pages shall be numbered consecutively, including all exhibits, and each important heading shall be shown in the Table of Contents. To provide uniformity for the Bureau of Outdoor Recreation and the State, the text shall be divided into four parts as outlined below:

### I. INTRODUCTION

1. Title page. This shall include; (a) the name and street address of the property, (b) the name of the individual making the report, (c) the effective data of the appraisal.
2. Table of Contents. List all essential items.
3. Letter of Transmittal. This is another format summarizing the report. It should contain all the essentials of a professionally prepared report, and be addressed to the client. It should also indicate that an appraisal report in narrative form is being transmitted with it.
4. Statement of Limiting Conditions. The appraiser should state that he/she assumes the title to be marketable, that he/she assumes no responsibility for legal matters, and that all data furnished by others are presumed correct. The appraiser should also mention any other assumptions he/she has made.

### II. FACTUAL DATA

1. Purpose of appraisal. This shall include a definition of all values required and appraised, and a reason for the appraisal.
2. Identification of Property. Legal description of the whole tract and that to be acquired. Properly identify the area (plot plan, etc.).
3. Area and Neighborhood Analysis. The appraiser should present all findings and conclusions about the external influences (social and economic) at work on the value of the subject property. The presentation should be analytical and related to the valuation problem at hand. The report should avoid itemization of facts and figures and recitation of the beauties and attractions of the area which are not pertinent to estimating the value of the subject property.

### III. PROPERTY DATA

1. Site - Describe the soil, topography, mineral deposits, easements, etc. A statement must be made concerning the existence or nonexistence of mineral deposits having a commercial value.



2. Improvements and Conditions - This description may be by narrative or schedule form and shall include dimensions, cubic and/or square foot measurements, and where appropriate, a statement of the method of measurement used in determining rentable areas such as full floor, multi-tenancy, etc.

Site and Improvements Analysis will show the appraiser's findings from inspection of the site and buildings, including an indication of both positive and negative features that influence value. This discussion should set out succinctly the basis for the adjustments and/or deductions made by the appraiser in applying the several alternative analytical approaches to value estimation.

3. Equipment - This shall be described by narrative or schedule form and shall include all items of equipment and their state of cannibalization. The current physical condition and relative use and obsolescence shall be stated for each item or group appraised, and whenever applicable, the repair or replacement required to bring the property to usable condition.

Any related personalty or equipment, such as tenant trade fixtures, which are not attached or considered part of the realty, shall be separately inventoried. Where applicable, these detachable or individually owned items shall be separately valued.

4. History - State briefly the purpose for which the improvements were designed, dates of original construction and major renovation and/or additions; include, for privately owned property, a ten-year record for each parcel, of all sales and if possible, offers to buy or sell, and recent lease (s); if no sale took place in the past ten years, include a report of the last sale. The history should include parties to the transaction, dates of transfer, and consideration paid. If the property has been owned by the present owner for more than ten years, the appraiser should so state.
5. Assessed Value and Annual Tax Load - Include the current assessment and dollar amount of real estate taxes. If the property is not taxed, the appraiser shall estimate the assessment in case it is placed upon the tax roll, state the rate, and give the dollar amount of the tax estimate.
6. Insurance - Give the estimated rate per thousand and the annual cost of adequate insurance coverage (not necessarily present coverage). Only applicable on income approach.
7. Zoning - Describe the zoning for subject and comparable properties, if not zoned, state what the zoning probably will be under private ownership, and if rezoning is imminent, discuss further.



IV ANALYSIS AND CONCLUSIONS (Highest and Best Use)

1. Analysis of Highest and Best Use - The report shall state the highest and best use that can be made of the property (land and improvements and where applicable machinery and equipment) for which there is a current market. The valuation shall be based on this use.
2. Land Value - Raw Land - The appraiser's opinion of the value of the land shall be supported by confirmed sales of comparable, or nearly comparable lands having like optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised.

In the analysis of raw land value the so-called "contractors method" may be used. But in such cases, the acreage value included must be supported by comparable sales of land used for like purposes.

3. Value Estimate by Cost Approach - This section shall be in the form of computative data, arranged in sequence beginning with reproduction of replacement cost, and shall state the source (book and page if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.
4. Value Estimate by Income Approach - This shall include adequate factual data to support each figure and factor used and shall be arranged in detailed form to show at least (a) estimated gross economic rent or income; (b) allowance for vacancy and credit losses; (c) an itemized estimate of total expenses including reserves for replacements.
5. Value Estimate by Comparative (Market) Land and Improvements Approach - All comparable sales used shall be confirmed by the buyer, seller, broker or other person having knowledge of the price, terms and conditions of sale. Each comparable shall be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser's final value estimate from this approach.

In comparable sales approach, the preferred method, all pertinent comparables should be verified by a party to the transaction. Adjustments for time, location, size, age and condition and terms of sale and financing should be included as well as the conditions of each sale.

6. Interpretation and Correlation of Estimates - The appraiser shall interpret the foregoing estimates and shall state his reasons why one or more of the conclusions reached are indicative of the market value of the property.

7. Certification of Appraiser

- (a) He/she has personally inspected the property.
- (b) He/she has no present or contemplated interest in the property.
- (c) That in his/her opinion the market value of the taking as of

\_\_\_\_\_ is \$ \_\_\_\_\_  
Valuation date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date report submitted

EXHIBITS AND ADDENDA

1. Comparative data map - Showing location of comparable sales used in appraisal.
2. Location map - Showing locus of the subject property and neighborhood and area involved.
3. Plot plan and/or floor plan if appropriate - These plans can help the reviewer visualize the written description of the subject property and both positive and negative features.
4. Adjustment chart or graph - Showing comparable sales adjusted to the subject by those factors of comparability.
5. Photographs - Pictures shall show at least the front elevation of the major improvements, plus any unusual features. There should also be views of the abutting properties on either side and that property directly opposite. When a large number of buildings are involved, including duplicates, one picture may be used for each type. Views of the best comparables should be included whenever possible. Except for the overall view, photographs may be bound as the page facing the discussion or description which the photographs concern. All graphic material shall include captions.



ADDENDA TO  
PLANNING REQUIREMENTS FOR MUNICIPAL PARTICIPATION IN  
THE FEDERAL LAND AND WATER CONSERVATION FUND  
AND THE MASSACHUSETTS SELF-HELP PROGRAM

- 1) Insert as the second paragraph under Goals and Objectives on page 4:

The relationship of natural resources and recreation goals and objectives to housing, employment, transportation and other community goals for the location of future growth should be made explicit through an analysis and discussion of proposed land uses and their impact on the social and economic conditions of the community. Open space planning should be coordinated with local planning for water resources, community housing, schools, employment opportunities, transportation and economic development. Conservation/recreation plans should be consistent with local, regional and state growth policy goals.

- 2) Strike the last sentence on page 4: "The Division of Conservation Services suggests...(SCORP)."

These revisions to the planning requirements are effective for all plans submitted to the Division of Conservation Services after November 15, 1977.

*The Commonwealth of Massachusetts**Executive Office of Transportation and Construction**Department of Public Works**100 Nashua Street, Boston 02114*

September 24, 1975

TO: RPA Directors

Over the last three months, the Bureau of Transportation Planning and Development, in cooperation with the Office of State Planning, has been working with the Montachusett Regional Planning Commission and the Berkshire County Regional Planning Commission on a new study design for long-range transportation planning. There are three main objectives that the BTP&D is trying to achieve with this effort.

First, we want to develop a standard framework for the systems planning phase of the transportation planning process. As such, this framework would apply to both the development and testing of regional transportation systems and the identification and consideration of project alternatives that are consistent with a proposed regional comprehensive plan.

Secondly, we want to ensure that regional transportation planning is conducted on a truly comprehensive basis as an integrated part of the overall regional planning process and the State Comprehensive Planning Process. We have, therefore, incorporated within the study design, for what we have termed Regional Planning Studies, comprehensive planning elements for which the DPW will contribute a share of the funding. However, we fully expect that all other functional planning programs conducted by the regions will contribute to and use as their basis the comprehensive planning portion of the RPS. From now on, the BTP&D will require that, in the development of UTWP's, all RPA's indicate how their various programs are to be coordinated and clearly show the inter-relationship between their other work (such as 208 and HUD 701 planning) and that funded through transportation programs (transit and highways). The Berkshire County and Montachusett Regional Planning Commissions are currently tying together transportation and other planning elements as part of their detailed study design for Regional Planning Studies.



The third objective we hope to achieve through the standard RPS study design is to increase the extent to which the regional planning commissions contribute to the Environmental Impact Study or Project Development process. We feel this can be accomplished by developing a comprehensive planning process that will contribute a substantial amount of policy guidance and data for Environmental Impact Studies (information that is inappropriate for consultants to develop) and for corridor analyses for the assessment of major program alternatives which will be included in the Systems Planning phase. Therefore, corridor analysis, which corresponds to the preliminary EIS's, and preliminary location studies, formally considered as Project Development, have been incorporated in the RPS design.

The work outline for this section of the RPS will apply to both those analyses conducted as part of a regional study and independent Corridor Planning Studies performed by regional planning commissions prior to the completion of an RPS. Corridor analyses are expected to result in a clear set of decisions to mark the end of the Systems Planning stage and the beginning of Project Development. They will recommend whether the further analysis of project alternatives by a full EIS is justified and, if so, identify a limited number of reasonable and prudent alternatives to be evaluated in more detail.


The attached outline was developed by a task force composed of representatives of the BTP&D, the Office of State Planning, and the two regional planning commissions that will conduct the initial Regional Planning Studies - Berkshire County and Montachusett. However, since it is our intention that this general outline apply to all 3C planning programs, we are anxious to know how well it corresponds to the current and proposed planning activities of all regional planning commissions and what steps you would take to implement it in your region.

We encourage you to discuss this matter with John Pobst and Karl Hekler. If you have any questions regarding either the draft outline or the objectives of this effort, please contact either George Thomson, Deputy Director BTP&D (727-5120) or Kurt Schork, Deputy Director OSP (727-5067).

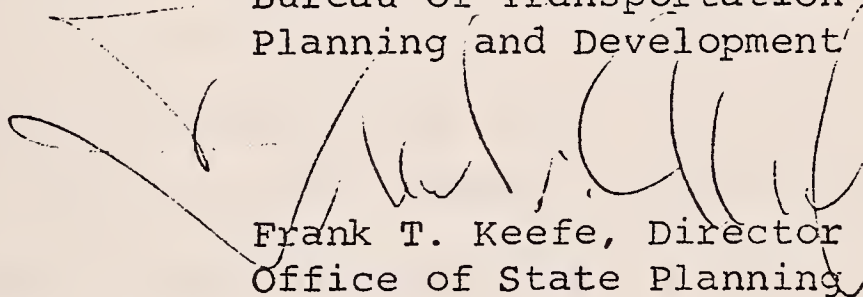


We would appreciate your comments on the attached material within a reasonable time period so that we do not miss the opportunity to coordinate with the 208 Water Quality and the new State Comprehensive Planning Process. We will meet with you either individually or as a group to discuss this issue as you require.

Sincerely,

A large, stylized handwritten signature in dark ink, likely belonging to Thomas F. Humphrey, written over the word 'Sincerely,'.

Thomas F. Humphrey, Director  
Bureau of Transportation  
Planning and Development

A large, stylized handwritten signature in dark ink, likely belonging to Frank T. Keefe, written below the signature of Thomas F. Humphrey.

Frank T. Keefe, Director  
Office of State Planning

Att.



Commonwealth of Massachusetts

Michael S. Dukakis

Governor

Executive Order No. 134

PROMOTING THE ECONOMIC REVITALIZATION OF DOWNTOWN CENTERS  
OF CITIES AND TOWNS BY ESTABLISHING A PROCESS  
FOR LOCATING APPROPRIATE STATE OFFICES  
AND BUILDINGS IN SUCH AREAS

WHEREAS, the older cities and towns of the Commonwealth have abundant resources that make them attractive centers for new economic growth, among them large labor forces; public facilities such as roads, sewers, schools and hospitals; and vacant buildings suitable for commercial, residential and industrial space; and

WHEREAS, the downtown areas of many of the Commonwealth's older cities and towns have deteriorated and decayed because of a lack of private investment and a consequent lack of economic growth; and

WHEREAS, state government can help to stimulate the revitalization of these downtown centers by focusing public investment such as roads, schools and offices in these areas, thereby encouraging a needed resurgence of private investment in these same areas; and

WHEREAS, it is hereby declared to be the policy of the Commonwealth to take every possible step to foster economic growth and development in downtown centers; thereby helping to reverse the deterioration and decay of such areas and to restore economic vitality to the downtown centers and the state as a whole; and



WHEREAS, by establishing a policy of and a process for locating appropriate state offices and buildings in such downtown centers, the Commonwealth can contribute to the revitalization of downtown centers, and further, can encourage the restoration or rehabilitation of the many older buildings located in downtown centers which count among our most valuable economic, architectural and historical resources.

NOW, THEREFORE, I, Michael S. Dukakis, by virtue of the authority vested in me as supreme executive magistrate, do hereby order as follows:

I. Any agency, institution, college, university, board, commission or executive office of the Commonwealth (hereinafter referred to as agency) intending to obtain space for its operations by purchase, lease or otherwise, shall, where consistent with provisions of law, take all possible steps to obtain such space in existing buildings located in a downtown center of a city or town, or, in the case of a city or town with more than one downtown center, in one such area.

II. Whenever possible the agency shall obtain space within an existing building owned by the Commonwealth. Preference shall be given to available space in state buildings located in downtown centers.

III. If suitable space cannot be obtained in a state building, the agency shall give preference to obtaining suitable reasonably-priced space in a building which has been or can be restored, rehabilitated, or adapted to the agency's use, and which is located in a downtown center.

If the agency proposes to obtain space outside a downtown center it shall, when applying for approval of a proposed lease or project pursuant to M.G.L. Ch. 8, Sec. 10A; Ch. 29, Sects. 7-7A; Ch. 7, Sects. 39-48; or other provisions of law, submit to the Commissioner of Administration (hereinafter referred to as Commissioner) a statement signed by the agency head detailing the reasons for said agency's choice of location. Such statement shall include a list of all space considered by the agency and state why each location not chosen was unsuitable. If the Commissioner finds that suitable, reasonably-priced space can be obtained by the agency in a downtown center and if time is not of the essence, he shall disapprove the proposed lease or project.

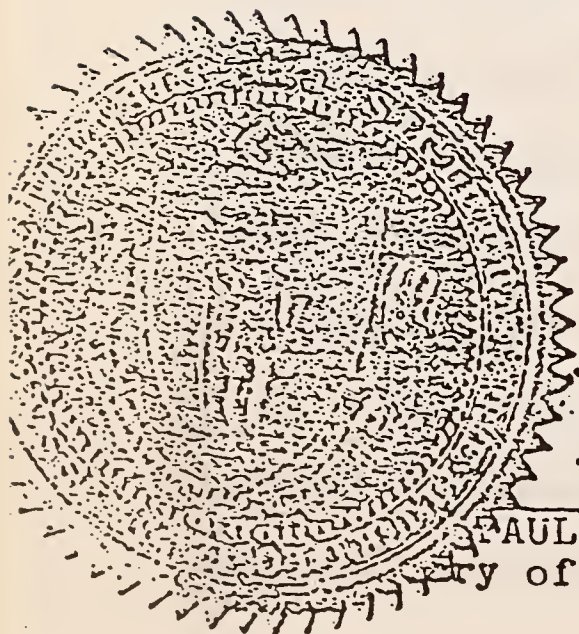
IV. If suitable space cannot be obtained in an existing building, either requiring or not requiring renovation, at a reasonable price, the agency shall give preference to constructing a new building in a downtown center of a city or town. If the agency proposes to construct a building outside a downtown center it shall, when applying for approval of the project pursuant to Ch. 29, Sects. 7-7A; Ch. 7, Sects. 39-48; or other provisions of law, submit to the Commissioner a statement signed by the agency head detailing the reasons for said agency's choice of location. Such statement shall include a list of all locations considered by the agency and state why each location not chosen was unsuitable. If the Commissioner finds that a suitable, reasonably-priced building can be constructed in a downtown center and if time



is not of the essence, he shall disapprove the proposed project.

V. In determining whether the agency should be located in a downtown center, and the type of space the agency should obtain, the agency and the Commissioner shall consider the nature of agency operations to be performed at such location; the character of the downtown center; the local ... downtown revitalization plan, if any; and whether the economic growth and development of the downtown center will be enhanced by locating the agency there. Renovated or new buildings shall be designed to be consistent with the character of existing buildings in the downtown center.

VI. The provisions of this order shall apply to state-assisted contracts for the construction of public buildings and public works, as if such construction were undertaken by a state agency. In such cases the head of the agency approving the state assistance shall, in coordination with the Commissioner, exercise the authority granted to the Commissioner by this order.



*Guizzi*

PAUL GUZZI  
Secretary of the Commonwealth

Given at the Executive Chamber  
in Boston this 31st  
day of March in the year  
of our Lord, one thousand nine  
hundred and seventy seven and  
of the Independence of the United  
States the two hundred and first.

*[Signature]*  
MICHAEL S. DUKAKIS  
Governor  
Commonwealth of Massachusetts



EXECUTIVE ORDER

TITLE

DRAFT

PROVISIONS FOR THE NECESSARY AND APPROPRIATE STATE COORDINATION AND PARTICIPATION WITH THE FEDERAL INSURANCE ADMINISTRATION UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED, AND RULES AND REGULATIONS PROMULGATED THEREUNDER.

WHEREAS, uneconomic uses of the Commonwealth's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS, national state and local studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS, the Commonwealth of Massachusetts has extensive and continuing programs for the construction of buildings, roads and other facilities and annually acquires and disposes of lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of programs for Federal loans and mortgage insurance, State financial assistance and land use planning are determining factors in the utilization of lands; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as amended, is dependent upon State Coordination of Federal, State, and local aspects of flood plain, mudslide (i.e. mudflow) area and flood related erosion area management activities in the State; and

WHEREAS, the Massachusetts Water Resources Commission is the State agency responsible for State level programs for flood prevention, flood control and flood protection, as provided by Chapter 620 of Acts of 1956; and

WHEREAS, the Massachusetts Division of Water Resources is the State agency responsible for prescribing local regulations necessary for flood insurance provided by the National Flood Insurance Act of 1968 under the procedures of Executive Order of 1970; and

WHEREAS, the Federal Insurance Administration has promulgated and adopted rules and regulations covering eligibility of State and local communities to participate in the National Flood Insurance Program, which participation depends on State coordination and the designation of an Agency in the Commonwealth of Massachusetts to be responsible for coordinating Federal, State and local aspects of flood plain, mudslide (i.e. mudflow) area and flood-related erosion area management activities in the Commonwealth of Massachusetts; and

WHEREAS, The Division of Water Resources located in the Department of Environmental Management, is the designated State Coordinating Agency as described in Section 1909.1 and Section 1910.25 (3) of the Rules and Regulations of the Federal Insurance Administration published in the Federal Register, Volume 41, No. 207, October 26, 1976, to be responsible for State coordination and participation required by the Federal Insurance Administration under the National Flood Insurance Act of 1968, as amended.

NOW THEREFORE, by virtue of the authority vested in me as Governor of the Commonwealth of Massachusetts, I, Michael S. Dukakis, do ORDER and DIRECT:

Section 1. The Division of Water Resources of The Massachusetts Water Resources Commission is hereby designated as the agency to provide implementation of Section 1910.12, Rules and Regulations of the Federal Insurance Administration, and will encourage a broad and unified effort to prevent uneconomic uses and development of the State's flood plains and in particular, to lessen the risk of flood losses to State lands and installations and State financed or supported improvements. Specifically:

(1) Under the leadership and direction of the Division of Water Resources in the Department of Environmental Management, all state agencies directly responsible for the construction of buildings, structures, roads, or other facilities shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. In the event of construction or other development in the flood plain, the flood plain management criteria set forth in Sections 1910.3, 1910.4, and 1910.5 of the National Flood Insurance Regulations shall apply as applicable. Flood proofing measures shall be applied to existing State facilities as necessary in order to reduce flood damage potential.

(2) All state agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads, or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

(3) All State agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and, in order to minimize future State expenditures for flood protection and flood disaster relief shall attach appropriate restrictions with respect to uses of the lands or properties from disposal. In carrying out this paragraph, each State agency may make appropriate allowance for any estimated loss in sales price resulting from the incorporation of use restrictions in the disposal documents.



(4) All State agencies responsible for programs which affect land use planning, including state permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

Section 2. As may be permitted by law, the head of each State agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of Section 1 of this order by his agency to be coordinated with the Division of Water Resources.

Section 3. The Division of Water Resources is hereby designated as the agency in the Commonwealth of Massachusetts responsible for making recommendations under Section 1909.23 of the Rules and Regulations of the Federal Insurance Administration, supra, for the determination of areas in the Commonwealth of Massachusetts eligible for hydrological ratemaking studies in making flood insurance available in the Commonwealth of Massachusetts.

Section 4. This order shall take effect on \_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.

Michael S. Dukakis





PROPOSED

An Act Providing For The Establishment Of A Standard Set Of  
Wetlands Maps For The Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

SECTION 1. The Executive Office of Environmental Affairs is hereby authorized and directed to develop, to the full extent possible, a set of standard maps which identify and delineate wetlands and other critical environmental areas throughout the commonwealth as defined in chapter 131 section 40 of the General Laws, including but not limited to the following classes of areas: banks fresh water wetlands; coastal wetlands; beaches; dunes; flats; marshes; wet meadows; swamps (those bordering on the ocean or any estuary, creek, river, stream, pond or lake); land subject to tidal action, coastal storm flowage or flooding.

All agencies, departments, boards, commissions, councils, authorities, offices, or institutions of the commonwealth or of any political subdivision thereof, shall cooperate fully with said Executive Office in the development of said maps, and shall render any assistance which said Executive Office may deem necessary and appropriate. In addition said Executive Office may consult with any appropriate federal agencies, or other persons, in the development of said maps, and shall to the full extent possible utilize any existing information which may be available.

Upon completion, said maps shall be used by all agencies, departments, boards, offices, commissions, council, authorities, or institutions of the commonwealth or of any political subdivision thereof in all decisions relating to said wetland areas.

There is hereby appropriated the sum of three million dollars for the purpose of implementing this act.





## APPENDIX 10.

### SCORP: EXISTING PRIORITIES RATING SYSTEM FOR CITIES AND TOWNS

#### SUPPORTING DOCUMENTATION

- Massachusetts Statewide Comprehensive  
Outdoor Recreation Plan (EOEA/DEM 1976)  
pp. 227-230.

#### **Introduction**

The Federal Land and Water Conservation Fund Act of 1965 (L&WCF) administered by the Bureau of Outdoor Recreation (BOR) provides 50% reimbursement to states and local units of government for planning, acquiring and developing outdoor recreation and open space land and facilities. The Department of Natural Resources (DNR) administers the program in Massachusetts, including the responsibility for receiving project applications from cities and towns in the Commonwealth and determining whether or not they should be submitted to BOR for funding.

The DNR's Division of Conservation Services, with the assistance of the Department of Community Affairs (DCA) has devised a priority rating system to assess local projects funded through the Water Conservation Fund. The purpose of the priority system is to provide the program administrators with a tool to assist in determining which municipal projects should be funded through the L&WCF and to provide a basis for responding to the A-95 review process.

The priority system contains the factors which are believed to be most applicable to the goal of equitable distribution of funds based on the findings of the Massachusetts Outdoor Recreation Plan published in January, 1973.

During the coming months the system will be continually tested for its applicability in assigning priority among projects and will be revised and refined as new and appropriate information becomes available.

The rating system contains two sets of criteria—demographic, relating to the characteristics of the town and project criteria which reflects the project's quality, scope, access, etc. Demographic criteria points account for 80 points or about 60% of the total (130).

The points awarded for Demographic criteria are awarded objectively based on published or available statistics. The project criteria points for the most part are awarded subjectively, based on a review of the project.

**POINT DISTRIBUTION**

<b>Category and Item</b>		<b>Number of Points</b>	
A.	Population and Demand Factors	<b>Item</b>	<b>maximum for category</b>
			<b>35 points</b>
	Density	15	
	Demand	5	
	Population	5	
	Seasonal Population*	10	
B.	Income Factors		<b>10 points</b>
	Poverty Level	5	
	Income	5	
C.	Local Fiscal Capacity		<b>5 points</b>
	Equalized Valuation	3	
	Tax Levies/Capita	2	
D.	Land Factors		<b>20 points</b>
	Recreation Acres/1000 persons	15	
	Other Recreation Acres/Total Acres	5	
E.	Past Participation (Funds/Capital)	10	<b>10 points</b>
F.	Planning and Implementation		<b>10 points</b>
	Consistency with Regional Plan	4	
	Local Plan less than 5 yrs. old	3	
	Implementation	3	
G.	Project Quality		<b>40 points</b>
	Natural-Cultural Features	15 points	
	local	5	
	regional	10	
	state	15	
	Innovation	5	Maximum
	Special Needs	5	of
	Continuing Effort	5	10 points
	Protection of Water Resources		7 points
	Accessibility to intended user group		3 points
	public transportation	3	
	Scope of Project		5 points
<b>Grand Total</b>			<b>130 points</b>

\*Tentative (subject to change pending approval and evaluation of seasonal residence figures)

**BOR-LWCF PRIORITY SYSTEM FOR LOCAL PROJECTS**

<b>A. Population and Demand Factors</b>	<b>35 points</b>
Population Density—persons per square mile	15 points
less than 953	0 points
953-2,648	4 points
2,649-4,343	8 points
4,344-6,038	12 points
more than 6,038	15 points
Regional Demand generated by the Town's Density Class-Percent	5 points
less than 10%	1 point
10-15%	2 points
16-30%	3 points
31-50%	4 points
more than 50%	5 points
Population Change—% change from 1960-1970	5 points
more than -23.9%	3 points
23.0 to 24.4%	1 point
24.5 to 48.1%	3 points
more than 48.1%	5 points
*Seasonal Population—% Seasonal/Permanent Residence	10 points
150-250%	5 points
more than 250%	10 points
<b>B. Income Factors</b>	<b>10 points</b>
Poverty level—% of families below poverty level	5 points
less than 2%	0 points
2.0-5.2%	1 point
5.3-8.6%	3 points
8.7-11.1%	4 points
more than 11.1 %	5 points
Community Income Level—Median Income	5 points
less than \$9,137	5 points
\$9,137-\$11,160	3 points
\$11,161-\$13,180	1 point
more than \$13,180	0 points
<b>C. Local Fiscal Capacity</b>	<b>5 points</b>
Equalized Valuation per Capita—\$ per person	3 points
less than \$4,385	3 points
\$4,385-\$7,040	2 points
\$7,041-\$9,696	1 point
more than \$9,696	0 points
Tax Levies Per Capita—\$ per person	2 points
less than \$318.53	0 points
\$318.54-\$462.90	1 point
more than \$462.90	2 points

continued



**BOR-LWCF PRIORITY SYSTEM FOR LOCAL PROJECTS (continued)****D. Land Factors****20 points**

Recreation Acres per 1000 persons

15 points

0-3.14 15 points

3.15-5.91 12 points

5.92-8.68 8 points

8.69-10.0 4 points

more than 10 0 points

Other Publicly-owned Recreation and Open Space Area—Percentage  
of Total

Town Land Area

5 points

0-1.6% 5 points

1.7-11.3% 4 points

11.4-21.0% 3 points

21.1-30.7% 2 points

30.8-40.4% 1 point

more than 40.4% 0 points

**E. Past Participation****10 points**

Past LWCF and HUD Funds —per capita

\$0.00-\$1.87 10 points

\$1.88-\$6.78 8 points

\$6.79-\$11.69 6 points

\$11.70-\$16.60 4 points

\$16.61-\$21.53 2 points

more than \$21.53 0 points

**\*F. Planning and Implementation****10 points**

Degree of Consistency with Regional Plan

4 points

Local Plan less than 5 years old

3 points

Implementation of Open Space and Recreational Goals

3 points

**\*G. Project Quality****40 points**

Natural-Cultural Features

15 points

Local

5 points (Max.)

Regional

10 points (Max.)

State

15 points (Max.)

Innovation

5 points (Max.)

Maximum

Special Needs

5 points (Max)

of

Continuing Effort

5 points (Max.)

10 points

Protection of Water Resources

7 points

Public Transportation

3 points

Scope of Project

5 points

\*These factors will be judged subjectively by the reviewer.



THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS HOUSING FINANCE AGENCY  
OLD CITY HALL • 45 SCHOOL STREET  
BOSTON, MASSACHUSETTS 02108 • (617) 723-9770

ADOPTED BY THE MASSACHUSETTS HOUSING FINANCE AGENCY

ON JULY 19, 1977

Criteria for Selecting Housing Development Proposals

This document is divided into four parts:

Part I - MHFA's Statutory Goals, which provide guidance for MHFA in the interpretation and use of the threshold requirements and bonus points.

Part II - MHFA's Policies, which also provide guidance for MHFA in the interpretation and use of the threshold requirements and bonus points.

Part III - MHFA's Threshold Requirements, which must all be met or achievable before a mortgage loan application will be considered for commitment by MHFA.

Part IV - MHFA's Bonus Points, which will be assigned to each mortgage loan application that meets all of the threshold requirements to determine the ranking for each commitment period. This ranking will be used to select applications to be recommended to the Agency members for commitment and to allocate available subsidies and long-term financing among proposals committed during the same commitment period.

## MASSACHUSETTS HOUSING FINANCE AGENCY

Criteria for Selecting Housing Development ProposalsPart I - MHFA's Statutory Goals

MHFA is required by statute:

1. To supply well-planned, well-designed housing units in locations where there is a need, for people of varied economic means, not less than 25 percent of whom are persons or families of low income;
2. To enable low-income people and families to occupy such housing by the application of subsidies or other means to reduce occupancy costs in units so occupied to not over 25 percent of the income of each such low-income family;
3. To provide such housing where private enterprise, acting alone, cannot do so;
4. To provide such housing in ways which will not create an undue concentration of low-income families in any one neighborhood; and
5. To provide such housing pursuant to the goals and policies embodied in all applicable local, state, and federal legislation and regulations, and to contribute to the greatest extent possible to the housing policy of the Commonwealth of Massachusetts.

Part II - MHFA's Policies

MHFA policies, based on the statutory goals, are:

1. To select strong development teams, desirable sites, and sound proposals so as to assure the long-term viability of the MHFA loan portfolio and the Agency as a financial institution;
2. To provide housing that demonstrates an excellence of design and a level of amenities that will assure its long-term livability and marketability;
3. To promote the development of mixed-income housing by selecting sites and development teams that will produce housing with certain units that are marketable with minimum subsidies;



4. To administer available subsidy programs so that they serve to encourage as broad a range of incomes among residents as is possible;
5. To encourage the design and construction of housing and the structure of its operation and management to maximize energy conservation and minimize long-term operating expenses;
6. To finance housing which will relate to community goals and which is of such quality of design and management as to be an asset to the quality of life in its community;
7. To develop, maintain, and add to the Agency's reputation as a lender to well-designed, well-conceived housing projects so as to enhance its imagery in real estate and financial markets;
8. To diversify the portfolio by location, developer, income-mix, and subsidy programs;
9. To seek growth in the portfolio size but not at the expense of conservative investment policies and the capacity of the staff to handle it; and
10. To look to the real estate rather than to increased subsidies as the basic security for all investments.

### Part III - MHFA's Threshold Requirements

Note: All of these requirements must be met or achievable before a mortgage loan application will be considered for commitment by MHFA.

#### A. Primary Considerations

The proposed development:

1. Is sensitive to the growth policies, economic revitalization programs, and housing strategies and policies of the Commonwealth;
2. Is financially feasible;
3. Is consistent with MHFA's goals and policies; and
4. Is itself designed to house persons and families of varied economic means or will not create or contribute to an undue concentration of low income families in any one neighborhood.

#### B. Site Characteristics

The proposed site:

1. Is one of the best available for the market to be served;
2. Is owned, under option, or otherwise under the control of the proposed developer; and
3. Is reasonably accessible to shopping, transportation, public facilities, and amenities.

#### C. Housing Need

Statistical data and other available market information, including the Housing Needs Study prepared by the Department of Community Affairs, demonstrates a significant need in the market area for the number of units, the mix of bedroom sizes, and the amount of subsidy and market units contained in the proposed development.

#### D. Development Team

##### The developer/sponsor:

1. Has the specific, measurable housing experience, expertise, and adequate staff capacity to undertake the proposed development;
2. Can demonstrate the availability of sufficient financial resources to complete construction of the proposed development, to carry it through lease-up, and to help assure its long-term economic viability;
3. Will sign the construction loan and guarantee completion and full payment;
4. Has an acceptable history of meeting all applicable requirements of and obligations to MHFA and other lenders; and
5. Has agreed to pledge funds or provide such other security as is required by the underwriting requirements of MHFA.

##### The general contractor:

1. Has the experience and expertise to construct the proposed development in accordance with the construction budget;
2. Can provide 100 percent performance payment and lien bonds or equivalent security acceptable to MHFA; and
3. Has satisfactorily met minority hiring requirements, if applicable.

##### The architect:

1. Has the specific housing experience and expertise to design the proposed development to the highest standards of MHFA; and
2. Is able to provide such architectural professional liability insurance as is required by MHFA.

##### The management agent:

Has an acceptable history of housing management performance with MHFA or with other developments and has satisfactorily fulfilled or will agree to all applicable MHFA management policies and requirements, including affirmative marketing.



E. Community Impact

The proposed development:

1. Has the potential for a positive impact on the neighborhood, including other government assisted housing in the market area; and
2. Is designed to be suitable for the site and sensitive to the surrounding neighborhood and environment.

Introduction: These bonus points indicate the qualities that MHFA is most strongly encouraging in proposals that meet all of the threshold requirements.

A. Location of the proposed development--MHFA is seeking the highest quality locations for residential real estate development that can attract residents with a broad range of income levels and racial backgrounds and respond to local and regional housing needs. Particular emphasis is placed on sites in developed neighborhoods where existing infrastructure, facilities and public improvements can be used and where communities have committed public funds to improve the neighborhood.

Possible Points

Notes on Points

			Notes on Points				outstand- ing
			0	1	2	3	
1.	Location		average	above average	excel- lent	outstand- ing	11-7
	A. Physical attractiveness of the site						
	B. Features in the immediate development neighborhood making the site a desirable place to live		average	above average	excel- lent	outstand- ing	
	C. The proximity and accessibility to desirable amenities in the community which are suitable for the residents (shopping, schools, recreation, public facilities, etc.)		average	above average	excel- lent	outstand- ing	
2.	The proposed development, based on the location, design, and management agent, will be able to achieve an income mix by attracting:						
	A. Moderate income tenants (above 50 percent of median income)		fair	good	excel- lent	--	
	B. Market tenants		none	none	token number	25 percent or more	

## Possible Points

## Notes on Points

			0	1	2	3
3.	0	1 2 --	In addition to the requirement that there be no discrimination based upon race, color, sex, creed, language, or national origin in tenant selection, and to the adoption by the developer of an affirmative marketing plan acceptable to MHFA,			
			A. The proposed development will reinforce a neighborhood's existing pattern of substantial racial integration, <u>or</u>	minimal	above average	very high
			B. The proposed development and the development team will be able to create integrated housing in a nonintegrated neighborhood	minimal	above average	very high
4.	0	1 2 --	Housing needs in primary market area			
			A. Assessment of housing needs for proposed tenant population (low and moderate as percent of total population)	average	high	critical
			B. Amount of subsidized housing, both existing and proposed, including other MHFA developments	average	below average	negligible
5.	0	1 2 3	Public funds have been committed or have recently been spent for physical improvements to enhance or upgrade the immediate neighborhood			
			There is local support from neighborhood groups and city or town officials			
6.	0	1 2 --				

11-88

outstanding



		Notes on Points			
		0	1	2	3
0	1 -- --	7. There exist expanding job opportunities suitable for proposed tenant population within a reasonable commuting range			
0	-- 2 --	8. The community is eligible for assistance from Farmers Home Administration (generally, population under 20,000)			

B. Features of the proposed development--MHFA is seeking to encourage proposals for the rehabilitation or conversion of existing buildings as well as proposals which will provide housing opportunities for large families and the handicapped. Energy conservation measures are strongly encouraged.

		11-9			
		0	1	2	3
0	1 2 --	9. Rehab/Reuse			
		A. The proposal is to rehabilitate existing structures			
0	1 2 --	no	mix	yes	--
0	1 2 --	B. The proposal is for the adaptive reuse of nonresidential buildings			
0	1 2 --	no	mix	yes	--
0	1 2 --	C. The proposal is to rehabilitate historically significant buildings			
0	1 2 3	<5%	5-10%	10-20%	>20%
0	1 -- --	10. The development will provide units for large families (three or more bedrooms)			
0	1 -- --	11. The development will provide units and facilities for the physically and/or mentally handicapped that will increase their ability to function in a normal environment			
0	1 2 --	average	above average	--	--
0	1 2 --	12. The proposed development will employ energy conservation measures beyond the threshold requirements which will reduce or control its long-term operating expenses			
0	1 2 --	average	above average	out-standing	--

C. Other considerations--MHFA is seeking proposals that will provide expanded development, construction, and management job opportunities for minorities. MHFA will give priority to proposals that have secured their own federal subsidies in ways that will not decrease funds otherwise available to MHFA, and to proposals that will fulfill an overriding public purpose.

Possible Points		Notes on Points			
		0	1	2	3
0	1 2 --	minimal	above average	very high	--
0	1 -- --	minimal	above average	--	--
0	-- -- 3	no	--	--	yes
0	1 2 3	normal	townwide importance	regional importance	statewide importance

### 13. Affirmative Action

A. Based on the expressed commitment and, if applicable, past performance of the developer and contractor, a successful affirmative action program can be anticipated in all phases of the development's construction

B. The development team includes minority business and/or professionals

14. The development has its own special setaside of federal rental subsidies that does not reduce other Massachusetts subsidies

15. The proposed development will fulfill an overriding public purpose

11-10





*The Commonwealth of Massachusetts*  
*Executive Office of Communities and Development*  
*100 Cambridge Street — Room 1404*  
*Boston, Massachusetts 02202*

APPENDIX 12.

727-7765

August 1, 1977

MICHAEL S. DUKAKIS  
GOVERNOR

WILLIAM G. FLYNN  
SECRETARY

SAMPLE STATE/RPA MEMORANDUM OF UNDERSTANDING

Mr. Robert Ellershaw, Chairman  
Lower Pioneer Valley Regional  
Planning Commission  
Town Office Building  
26 Central Street  
West Springfield, Massachusetts

Dear Mr. Ellershaw:

The Department of Community Affairs and the Office of State Planning are issuing this letter in order to foster coordination of planning, management and implementation activities between DCA, OSP and regional planning agencies within the Commonwealth. The Department is primarily concerned with the coordination of municipal planning and management technical assistance efforts with regional agencies and as such, sets forth below the method and procedure that will govern the Department's technical assistance program with respect to regional agencies. As a co-signer of this letter, OSP's primary concern is to foster communication and cooperation between regional agencies, OSP and other State agencies.

1. The Department and OSP recognize the role of regional planning agencies as advocates for the interests of its member municipalities in relation to state and federal programs;

2. The Department and OSP acknowledge regional agencies as primary sources for local technical assistance to their member municipalities;

3. The Department and OSP will work with regional planning agencies to avoid duplication of effort, to complement or supplement current or proposed local technical assistance projects, and to bring OSP's and the Department's resources to bear to assist in the implementation of such projects, insofar as feasible;

4. The Department will give priority consideration to requests for local assistance when such requests are made by or through the regional planning agency within which the municipality requesting assistance is located;

5. The Department agrees to make available all information in its files pertinent to local assistance efforts by regional planning agencies;

RECEIVED

AUG 4 1977

AN EQUAL OPPORTUNITY EMPLOYER

LOWER PIONEER VALLEY  
REGIONAL PLANNING COMMISSION



6. The Department will confer with regional agencies prior to and during any local technical assistance project undertaken by the Department within a regional agency area.

We invite you to acknowledge this DCA and OSP policy statement by countersigning this letter and returning it to us at your convenience. Your signature will allow us to consider this letter as evidence of a mutual understanding regarding the Department's technical assistance efforts in communities within your jurisdiction.

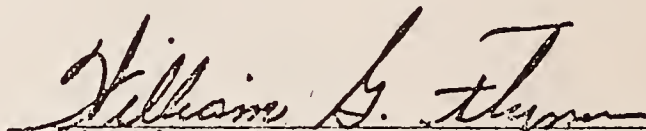
If desired, you may include additional elements to the above policy for our consideration or prepare a more detailed Memorandum of Understanding as we suggested to you some time ago modeled after the Central Massachusetts Regional Planning Commission's M.O.U. with the Department. We have attached a copy of an M.O.U. format for your consideration which also includes the Office of State Planning as a signatory agency.

We trust that you will welcome this opportunity to endorse the Department's policy on local technical assistance as it relates to your agency. If you have any questions on this matter, please feel free to call Ellis Goldman, the Administrator of the Department's Division of Community Services at (617) 727-7001 or toll free 800-392-6445.

Sincerely,



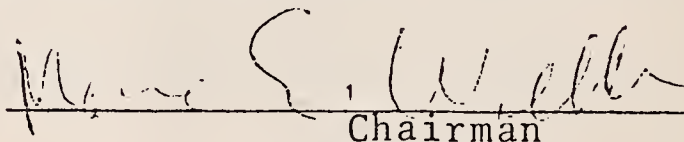
Frank T. Keefe, Director  
Office of State Planning



William G. Flynn, Secretary  
Executive Office of  
Communities and Development

WGF:CY:kd  
Attachment

In acknowledgement of the Department's and OSP's policy toward regional planning agencies and local technical assistance,



Chairman

Lower Pioneer Valley Regional Planning Commission  
Regional Planning Agency

cc: Mr. K. M. Munnich, Planning Director

MEMORANDUM OF UNDERSTANDING

Between the Lower Pioneer Valley Regional Planning Commission (LPVRPC) of 26 Central Street, West Springfield, Massachusetts, 01089, and the Commonwealth of Massachusetts, Office of State Planning (OSP), and the Department of Community Affairs (DCA).

WHEREAS, the Signatories hereto recognize the interrelationship between local, regional and statewide planning and the desirability of correlating functional and comprehensive planning at these levels with one another; and

WHEREAS, the provision of planning services and technical assistance by the Signatories to municipalities must be coordinated for greater efficiency, cost effectiveness and full utilization of limited resources at all levels, so as to eliminate duplication, conflicts and waste; and

WHEREAS, each of the signatories is recognized and acknowledged to have specific responsibilities and areas of competence; and

WHEREAS, it is the desire and intent of the Signatories to cooperate with each other and work closely and harmoniously together in planning, planning-related activities and the provision of technical assistance to municipalities and regions.

NOW, THEREFORE, the Signatories hereto mutually covenant and agree as follows:

1. It shall be the policy of the Signatories to foster cooperation, exchange of information and recognition of specific responsibilities between LPVRPC and the Massachusetts DCA and OSP.
2. LPVRPC shall have the primary responsibility for developing public participation in all planning programs of a regional nature and for conveying the input of citizens and local officials to the other Signatories. DCA and OSP shall rely on the LPVRPC for this input, support LPVRPC's citizen participation process and seek not to by-pass it, as regards regionwide and multi-municipal programs. This will in no way obviate either Lower Pioneer Valley Regional Planning Commission's local technical assistance program or DCA's responsibility to carry out public participation programs in the course of its in-depth assistance programs, housing programs and State Economic Opportunity Office (SEOO).
3. LPVRPC shall have the primary responsibility to act as liaison between DCA and OSP and local officials and groups in matters having regional planning implications, with the qualifications of those programs outlined in number 2 above. This shall in no way preclude communications between OSP or DCA and local officials or groups on an individual municipality basis, but LPVRPC shall be informed of any exchange of communications having regional planning implications.
4. Whenever practicable, and not in conflict with legal requirements, the Signatories shall act jointly on matters having both regional and statewide planning implications, such as by calling jointly-sponsored meetings, issuing joint, written communications and the like.



Memorandum of Understanding  
Page 2

5. LPVRPC shall furnish DCA and OSP with such plans, data and/or information as results from its work program, and DCA and OSP shall make available to LPVRPC data or information resulting from their work programs which pertain to the Lower Pioneer Valley district and shall keep LPVRPC informed of statewide programs of concern to the district, the district's municipalities or to regional planning generally.
6. Whenever approached by a municipality about technical assistance, LPVRPC and DCA shall inform such municipality regarding the availability of pertinent assistance programs by the other agency, shall make no effort to discourage the use of each other's services by the municipality, and shall forthwith inform each other about any such request in excess of two man-weeks professional time or \$1,500 equivalent estimated cost.
7. DCA and LPVRPC shall furnish each other with copies of communications sent to municipalities in the Lower Pioneer Valley region describing available technical assistance programs and shall, whenever appropriate, mention in such communications the availability of assistance programs by the other agency. To this end, DCA and LPVRPC shall keep each other informed of technical assistance programs and resources available.
8. When eligible and necessary, the possibility of joint or team technical assistance by DCA, OSP and LPVRPC, and the possibility of one agency assisting another with manpower, money or otherwise shall be considered and discussed. In joint work, the agency providing significantly greater share of assistance or having the primary interest or responsibility in the project shall be the lead agency and shall furnish the team leader. The same approach may be used in a team comprising local or federal personnel in addition to regional and state staff.
9. DCCA and LPVRPC agree to cooperate, with appropriate participation by other state and federal agencies, in revising, updating and/or expanding, as appropriate, the housing needs studies and the Fair Share Housing Plan, or equivalent components of a Housing Element as called for under HUD Section 701 Final Regulations. It is agreed that the adopted statements of housing needs and Fair Share Housing "allocations" shall to the maximum extent possible reflect the consensus of LPVRPC, DCA, and other cooperating agencies.
10. OSP agrees to rely on LPVRPC as the principal local liaison and participant in the development and review of statewide or regional policies having planning and development implications; where this entails a significant amount of work, the OSP shall seek to provide funds for such work, as well as generally work for adequate funding of RPA's by the Commonwealth consistent with their use for planning policy development and promulgation for the Commonwealth.



Memorandum of Understanding  
Page 3

11. The Signatories recognize LPVRPC's interest in economic planning activities and its willingness to participate in OSP's and the Commonwealth's economic development planning and policy development under Section 302 of the Federal Economic Adjustment Act.
12. The OSP recognizes the LPVRPC's continuing interest in the State-wide Growth Policy process, and its desire to cooperate with OSP, and to participate in the process of developing a meaningful policy on growth in the Lower Pioneer Valley region and the Commonwealth as a whole.
13. Recognizing that this Memorandum is based on mutual desire to cooperate for the benefit of the inhabitants of the region and the Commonwealth, the Signatories pledge each other to continue their efforts for closer collaboration in the spirit of mutual respect, good will, and appreciation of the value of regional and state-wide planning and of public participation in government programs.
14. This Memorandum shall remain in effect for a maximum of 24 months or until terminated by any of the Signatories with two months written notice to other Signatories, or as may be otherwise provided by law, and this Memorandum may be amended at any time by mutual agreement, in writing, of all the Signatories.
15. This Memorandum may be renewed with the written mutual consent of the Signatories at the end of the 24 month period, or it may be revised and updated to make its agreements current.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 1977,

by the Officers of the Signatories, thereto duly authorized, on their behalf.

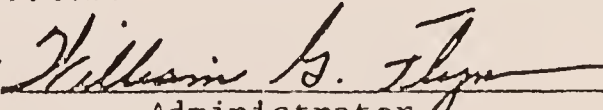
LOWER PIONEER VALLEY REGIONAL  
PLANNING COMMISSION

BY   
Chairman

OFFICE OF STATE PLANNING

BY   
Director

DEPARTMENT OF COMMUNITY AFFAIRS,  
E.O.C.D.

BY   
Administrator



## APPENDIX 13.

### PUBLIC FINANCING PROGRAMS FOR BUSINESS DEVELOPMENT IN MASSACHUSETTS

( prepared by the Office of State Planning)

November 1977

Massachusetts offers a number of financing programs for economic development which can be used alone or with similar programs offered by the federal government. Outlined briefly in this brochure are the state and federal programs and the organizational structures which may be required for their effective use.

Although in general direct state investments and federal grants may only be made to non-profit or governmental organizations, such organizations can in turn provide financing incentives to private, for-profit business enterprises. In addition, state loan guaranties and federal direct loans and loan guaranties are available to private for-profit businesses.

The programs discussed in this brochure are:

#### State Programs

- Massachusetts Community Development Finance Corporation
- Massachusetts Industrial Mortgage Insurance Agency
- Massachusetts Business Development Corporation
- Industrial Development Finance Authorities
- Economic and Industrial Development Corporations

#### Federal Programs

- Small Business Administration
- Farmers' Home Administration
- Economic Development Administration



I. STATE PROGRAMSMASSACHUSETTS COMMUNITY DEVELOPMENT FINANCE CORPORATION (CDFC)

- Type of Assistance: Equity and debt capital (including working capital).
- Eligible Applicants: Although CDFC's funds can be invested in privately-owned, for-profit businesses, the investment in such businesses must be made by Community Development Corporations (CDC's). The legislation establishing CDFC (Chapter 866 of the Acts of 1975, MGLA Chapter 40F) defines eligible CDC's as non-profit corporations organized within a specific geographic area, having membership open to all residents over 18 years of age within the geographic area, and having a board of directors at least half of which is elected by the full membership and the remaining directors either appointees of state or local government officials or appointees of other non-profit organizations in the geographic area. The specific geographic area must have a population of less than 115,000 and must have boundaries coincident with some (though not necessarily municipal) political boundaries.
- Eligible Activities: Any commercial, industrial, or real estate business or other economic development activity undertaken in a "target area," designed to reduce conditions of blight, economic depression, or widespread reliance on public assistance. A "target area" must be either (1) a contiguous, blighted, decadent, or substandard area (as defined in Chapter 121A), which has an average household income at least 15 percent lower than that of the Boston standard metropolitan statistical area, or (2) any other contiguous geographic area in which the board of directors of the particular CDC finds and publishes in accordance with statistical criteria previously established by CDFC that substantial conditions of blight, economic depression, and widespread reliance on public assistance exist in said area.
- Terms and Conditions: The Community Development Finance Corporation must approve each specific project and find: that the project will add to primary employment for the area, that it complies with environmental and other laws, that there is a reasonable expectation that the venture will be successful, and that other private financing is unavailable, or available only on terms that would preclude the success of the project.

In addition to the above, if the actual project is not conducted by a wholly owned subsidiary of a CDC, or by

CDFC, continued

a non-profit corporation, or by a local development corporation formed under the Small Business Act, or by a fishing cooperative, the CDC must contract with the business entity undertaking the project that the CDC must approve all major transactions of the entity, including approval of any sale, merger, dissolution, the sale or issue of any substantial amount of stock, and any corporate reorganization.

MASSACHUSETTS INDUSTRIAL MORTGAGE INSURANCE AGENCY (MIMIA)

- Type of Assistance: Insurance of industrial mortgage loans and their debt service.
- Eligible Applicants: Profit and non-profit businesses engaged in industrial, recreation, or research and development enterprises.
- Eligible Activities: The acquisition, construction, or alteration of "industrial development facilities," e.g., buildings, docks, wharves, land, machinery, equipment, roadways, office, etc.
- Terms and Conditions: MIMIA will insure up to the top 40 percent (up to \$400,000) of a loan made by banks or other institutions, and will charge an insurance premium. The loan must be secured by a first mortgage on real or personal property. The project for which the loan is sought must be of such size and scope to provide a definite benefit to the economy, and one which will provide employment having a reasonable relationship to the principal amount of the loan. The employment created by the project must be substantially "primary employment" (defined as a full-time permanent job whose entry level hourly wage is at least 150 percent of the non-manufacturing minimum wage as defined in MCLA C. 149). The principal amount of the loan may not exceed 90 percent of the cost of the industrial development facility, for a term of up to 30 years, and 80 percent of the cost of machinery and equipment, for a term of up to 15 years.



MASSACHUSETTS BUSINESS DEVELOPMENT CORPORATION (MBDC)

- Type of Assistance: Loans
- Eligible Applicant: Any private for-profit firm, including corporations, partnerships, cooperatives, etc., which are based in Massachusetts.
- Eligible Activities: Purchase or construction of fixed assets (land, plant, equipment); working capital loans which are secured by fixed assets.
- Terms and Conditions: MBDC was formed as a private corporation under special charter by the Massachusetts banking community in order to foster industrial growth within the state. MBDC participates with conventional lenders to supply an essential part of a financing package. Loans must contribute to employment expansion in Massachusetts, and are available only to borrowers who are not able to obtain similar financing from conventional lenders. Loan terms resemble conventional loans, except that MBDC allows for floating interest rates and medium- or longer-term loans (as long as 20-25 years depending upon the borrower's needs and cash flow), and can offer 100-percent loans for real estate financing. MBDC loans are normally in a secondary position to other financing and frequently secured by collateral of a kind not normally acceptable to conventional lenders.

## INDUSTRIAL DEVELOPMENT FINANCING AUTHORITIES (IDFA)

- Type of Assistance: Through tax-exempt revenue bonds, an IDFA can provide private for-profit businesses with up to 100 percent financing for the acquisition of a site and the construction of a facility for an industrial occupant (any industrial, manufacturing, or research and development enterprise, and a public utility in the case of pollution control facilities).
- Eligible Applicants: Any municipality may form an IDFA by vote of the city council or town meeting which declares that (1) unemployment or the threat thereof exists in the municipality; and (2) that such threat can be alleviated or security against future unemployment provided by attracting new industrial development or expanding existing industrial development.
- Eligible Activities: Acquisition or construction of facilities for industrial, manufacturing, and research and development enterprises, including facilities such as buildings, docks, wharves, pollution abatement equipment, machinery, and equipment.
- Terms and Conditions: Normal banking principles apply to revenue bond financing. Although municipalities are legally empowered to pledge their credit to the payment of revenue bonds, in practice, they do not do so. Therefore, the financial condition or credit rating of the company determines the marketability of the bond issue.
- Tax exempt industrial revenue bond financing is presently subject to three restrictions under the Internal Revenue Service Code:
1. Revenue bonds issued to finance new plants or the expansion of facilities are limited to \$5 million. A company may not exceed \$5 million, including the revenue bonds, in total capital expenditures (depreciable assets) within the municipality in which the project is located for a six-year period beginning three years before the date the bonds are issued, and ending three years after the date of the issue.
  2. Bonds may also be issued under the \$1 million provision, which allows a company to issue up to \$1 million in revenue bonds with no limitation on capital expenditures.
  3. There is no limit on the size of a bond issue when used for the financing of pollution abatement facilities.

A list of municipalities with IDFA's follows.

MASSACHUSETTS INDUSTRIAL DEVELOPMENTFINANCING AUTHORITIES

<u>Municipality</u>	<u>Zip Code</u>	<u>Municipality</u>	<u>Zip Code</u>	<u>Municipality</u>	<u>Zip Code</u>
Bellingham	02351	Gardner	01440	Northbridge	01532
Barnstable	01220	Gloucester	01930	Norton	02766
Barnstable	01001	Greenfield	01301	Norwood	02062
Barnstable	01721	Grafton	01519	Orange	01364
Barnstable	01331	Groton	01450	Palmer	01069
Barnstable	01501	Hardwick	01037	Plainville	01070
Barnstable	02332	Hatfield	01038	Plymouth	02360
Barnstable	01005	Haverhill	01830	Quincy	02169
Barnstable	02019	Holbrook	02343	Russell	01071
Barnstable	01503	Holden	01520	Saugus	01906
Barnstable	01915	Holliston	01746	Seekonk	02771
Barnstable	01821	Holyoke	01040	Sharon	02067
Barnstable	01504	Hopedale	01747	Shrewsbury	01545
Barnstable	02201	Hopkinton	01748	Somerset	01026
Barnstable	02324	Hudson	01749	South Hadley	01075
Barnstable	02400	Lakeville	02346	Southborough	01772
Barnstable	01803	Lawrence	01840	Southbridge	01550
Barnstable	02139	Leicester	01524	Spencer	01562
Barnstable	01507	Leominster	01453	Springfield	01100
Barnstable	01824	Lowell	01850	Sterling	01564
Barnstable	02150	Ludlow	01056	Stoughton	02072
Barnstable	01012	Malden	02148	Sudbury	01776
Barnstable	01013	Mansfield	02048	Swansea	02777
Barnstable	01510	Marlborough	01752	Taunton	02780
Barnstable	02714	Marshfield	02050	Tyngsborough	01879
Barnstable	02715	Maynard	01754	Uxbridge	01569
Barnstable	01826	Melrose	02176	Walpole	01254
Barnstable	01570	Methuen	01844	Ware	01082
Barnstable	02333	Middleborough	02346	Wareham	02571
Barnstable	01028	Millbury	01527	Watertown	02172
Barnstable	02334	Milford	01757	Westborough	01581
Barnstable	01027	Millis	02054	Westfield	01085
Barnstable	02720	Montague	01351	Westford	01886
Barnstable	02550	New Bedford	02740	West Boylston	01583
Barnstable	01420	Newburyport	01950	Wilbraham	01095
Barnstable	02035	No. Attleborough	02760	Woburn	01801
Barnstable	01701	North Adams	01247	Worcester	01600
Barnstable	02038	Northampton	01068		
		Northborough	01532		

For mailing purposes write: Chairman - Industrial Development Financing Authority  
City/Town Hall - zip code

Source: Massachusetts Department of Commerce and Development, 1976



ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATIONS (EDIC)Type of Assistance:

An EDIC can issue tax-exempt revenue bonds to finance the acquisition of land and/or the construction or rehabilitation of a facility for any industrial or manufacturing enterprise. An EDIC can issue bonds in anticipation of revenue; therefore, unlike an IDFA, an EDIC can prepare sites or facilities before recruiting specific industrial clients. In addition, unlike an IDFA, an EDIC may take land by eminent domain.

Eligible Applicants:

Any city or town in the Commonwealth which is designated by the Department of Labor as being in an area of 'substantial unemployment.' The Secretary of Communities and Development may certify a municipality located in a labor area not meeting the criteria of "substantial unemployment" as eligible under this chapter if it is determined that the municipality would by itself meet the criteria of "substantial unemployment" were the appropriate statistics available. Further, in order for a town to be eligible under this chapter it must also be certified by the Secretary of Communities and Development as satisfying the following requirements:

1. that the corporation is to become an integral part of a comprehensive development program;
2. that the town has a demonstrable and significant demand for industrial land;
3. that the assembly of local industrial land by private developers or realtors is non-competitive with similar land assemblies in surrounding cities and towns due either to absolute shortage of land or to existing zoning restrictions; and
4. that the local redevelopment authority, if one exists, is unable to provide such assemblies of land as are necessary for economic development.

Eligible Activities:

Acquisition of land and/or construction or rehabilitation of a facility for an industrial or manufacturing enterprise. Such acquisition and/or construction or rehabilitation must take place in an "economic development area" (which is defined as any blighted open area or any decadent area, as respectively defined in section one of chapter 121B, and which is zoned for general or restricted manufacturing uses or for general or waterfront industrial uses, whether re-

## EDIC, continued

stricted or not, and within which there are not more than 35 dwellings), and must be undertaken in accordance with an economic development plan adopted by the municipality.

Terms and Conditions:

See IDFA terms and conditions. However, an EDIC, unlike an IDFA, cannot pledge the full faith and credit of the municipality.

A list of municipalities with EDIC's follows:

Haverhill  
Lawrence  
Boston

Gloucester  
Wareham  
Deerfield

## II. FEDERAL PROGRAMS

### SMALL BUSINESS ADMINISTRATION (SBA)

- Type of Assistance:      Section 7A: Guarantees of up to 90 percent on loans by private lending institutions. Direct loans are possible in special circumstances.
- Eligible Applicants:      Private small businesses which are independently owned and operated, not dominant in their field of business activity, and within SBA size guidelines. Size eligibility criteria vary with the type of retail, wholesale, service, manufacturing, transportation, or construction enterprise.
- Terms and Conditions:      Maximum loan guarantee to one small business concern and its affiliates is \$500,000; maximum direct loan is \$150,000. Maximum length is six years for working capital, ten years for equipment, and 20 years for new construction. Interest rate is 6 5/8 percent for direct loans from SBA; a maximum ceiling is set quarterly on interest chargeable on bank loans guaranteed by SBA (currently 9.5 percent). A "reasonable" contribution of equity investment on the part of the small business is required, normally 1/3 of total cost in the case of a new business, but that requirement may be relaxed for existing businesses with a favorable cash flow history.
- Collateral in the form of a first mortgage or security interest in plant and/or accounts receivable is normally required. Personal guarantees may be required in some cases.
- Type of Assistance:      Section 502: Local Development Company direct loans, and loan guarantees.
- Eligible Applicants:      The instrument through which Section 502 loans are channeled is the Local Development Company (LDC). LDC's must be incorporated as non-profit or for-profit corporations organized for the purpose of promoting economic development in specific loan areas. An LDC must have at least 25 shareholders or members, and 75 percent of the corporation's voting power must be controlled by persons who reside or do business in the target local area.
- Terms and Conditions:      Under the Section 502 program, SBA either loans funds directly to the LDC or guarantees a loan from a bank to



SBA, continued

the LDC. The LDC relends to eligible small business concerns: LDC financing can supply 100 percent financing for up to 25 years. Under the 502 direct loan program, the SBA will supply a second mortgage at 6 5/8 percent for up to 30 percent of the cost if the LDC and conventional lenders supply the 70 percent first mortgage. No equity investment is required, and the assets being financed normally suffice as collateral. The LDC's 10 percent "local share" may be provided out of stock sale proceeds, donations, subordinated loans, or state or federal grants, provided that no more than 25 percent of the LDC's share for a particular project is donated by the small business concern to be assisted.

The Small Business Administration also offers a number of other programs for financial assistance in special situations. Among these programs are economic opportunity loans, line of credit programs, lease guaranty programs, disaster loans, handicapped assistance loans, direct pollution control loans and guaranties, and speculative building loan guaranties.

FARMERS' HOME ADMINISTRATION BUSINESS AND INDUSTRIAL LOANS (FmHA)

- Type of Assistance:
1. Guarantees of loans (up to 90 percent of principal and interest) to all types of businesses and industries in defined rural areas.
  2. Direct loans to public bodies.
- Eligible Applicants:
- Loans may be guaranteed in any area outside the boundary of a city of 50,000 or more and its immediately adjacent urbanized areas (population density of more than 100 persons per square mile). Priority is given to applications for projects in open country, rural communities, and towns of 25,000 and less.
- An applicant may be a cooperative, corporation, partnership, trust, or other legal entity operated on a profit or non-profit basis; a municipality or county; or an individual. An applicant must be engaged in or proposing to engage in improving, development, or financing business, industry, and employment and improving the economic and environmental climate in rural areas, including pollution abatement and control.
- The Small Business Administration also offers a number of other programs for financial assistance in special situations. Among these programs are economic opportunity loans, line of credit programs, lease guaranty program, disaster loans, handicapped assistance loans, direct pollution control loans and guaranties, and speculative building loans.
- Eligible Activities:
- Business and industrial acquisitions; construction, enlargement, repair, modernization; purchase of land, machinery, and equipment, furniture and fixtures; processing and marketing facilities; start-up and working capital; pollution control. Loans to public bodies must be for community facilities or constructing and equipping industrial plants for lease to private businesses. Vessel purchase and renovation are also eligible.
- Terms and Conditions:
- FmHA will guarantee up to 90 percent of loans by private lenders to qualifying applicants.
- Maximum maturities for business and industrial loans may be up to 30 years on land, buildings, and permanent fixtures; up to 15 years on machinery and equipment (depending on useful life of equipment); up to seven years for working capital.

FmHA, continued

The interest rates are determined between lender and borrower consistent with the market rate; FmHA does not set a maximum rate. For public bodies borrowing to install community facilities, the rate will be 5 percent. Normally, FmHA will require at least 10 percent equity. More equity may be required depending on the particular circumstances.

The guarantee fee to FmHA is 1 percent of the principal loan amount of the loan guaranteed.



ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)TITLE I

- Type of Assistance: Public Works and Development Facilities Program provides grants of from 50 - 100 percent of project cost depending on location (60 - 70 percent in poverty areas, 80 percent in disaster areas, 100 percent in municipalities which have demonstrably exhausted their taxing and borrowing capacity); and loans of up to 100 percent of project cost.
- Eligible Applicants: States, municipalities, special authorities, and public or private non-profit organizations representing EDA-designated "redevelopment areas." Projects must be located within either redevelopment areas or centers in "economic development districts."
- Eligible Activities: Acquisition, development, or expansion of public works facilities including water and sewer systems, site improvements for industrial parks, factories and port facilities, where such facilities will further the establishment or expansion of industrial or commercial enterprises or will otherwise create long-term employment opportunities.
- Terms and Conditions: Loans, where used, are for 100 percent of project cost, up to 40 years, at a low interest rate one half above the current U. S. Treasury borrowing rate. Areas wishing to qualify as redevelopment areas must meet statistical criteria regarding unemployment and related factors, and must prepare and have approved by EDA an Overall Economic Development Program (OEDP). As a matter of EDA policy, funds cannot be used for acquisition of land, but can be used for facilities located on land owned by public or non-profit entities. Projects must conform with the applicable OEDP.

ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)TITLE IIType of Assistance:

Business development loan program provides direct loans of up to 65 percent of the project cost. Remaining funds must be provided by: 15 percent equity investment (or subordinated loan to) the applicant; 5 percent from state or local government or non-profit organization; 15 percent from other non-federal sources. EDA may guarantee up to 90 percent of the unpaid balance of loans and up to 90 percent of rental payments on guaranteed leases.

Eligible Applicants:

Any public or private entity, including non-profit corporations, for-profit corporations, sole proprietorships, and partnerships. (Hence, unlike other EDA programs, Title II potentially includes cooperatives). Projects must be located in EDA-designated redevelopment areas or certain sections of economic development districts.

Eligible Activities:

Acquisition of fixed assets, including land, building, equipment, machinery, land preparation, and building rehabilitation, for industrial or commercial enterprises; working capital loans for industrial or commercial enterprises.

Terms and Conditions:

Maximum fixed asset loan term is 25 years or the weighted average of the useful life of the assets financed, whichever is less. Maximum working capital loan term is five years. Interest on direct loans is at a rate set by the Secretary of the Treasury based upon current U. S. borrowing rates, plus an additional charge for working capital loans reflecting their higher risk. Interest on guaranteed loans is at the prevailing bank interest rate. As indicated above, a 15 percent equity contribution on the part of the applicant is required. Lines on fixed assets and/or receivables and inventory are required as collateral, but EDA will take a subordinated position as necessary to encourage participation by lending institutions in fixed asset loans. Personal guarantees are frequently required. All loans must be consistent with the applicable area OEDP and must be approved by a state or local economic development agency (in Massachusetts, this function is normally performed by the Office of State Planning as the comprehensive economic development planning agency funded under Section 302 of the Act).

ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)TITLE IX

Type of Assistance: Direct grants to governmental entities.

Eligible Applicants: Initially the grant has to be given to either a redevelopment area or economic development district established under Title IV of the EDA Act, an Indian Tribe, the Governor of a State, or a State Agency designated by him, a city or other political subdivision of a State, or a consortium of such political subdivisions. However, such a recipient can redistribute the grants it receives to public and private entities in the form of grants, loans, loan guarantees, etc., but funds cannot be granted to a private profit-making entity.

Eligible Activities: Grants may be used for the acquisition or development of land and improvements for public works or development facility usage; the acquisition, construction, rehabilitation, alteration, expansion, or improvement of these facilities.

Grants may also be used for the purchase, development, and operation of land and facilities (including machinery and equipment), for industrial or commercial usage, including the construction of new buildings, the rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings.

In addition, grants may be used for public services, rent supplements, mortgage payment assistance, relocation of individuals, training, technical assistance, and for other appropriate purposes if reasonably related to the purposes of Title IX (meeting of special needs arising from actual or threatened severe unemployment arising from economic dislocation, or severe changes in economic conditions).

An eligible recipient may redistribute grants in the form of direct grants, loans, loan guarantees (which can include loans or loan guarantees for working capital and guarantees or rental payments of leases for buildings or equipment) to qualified entities.

Terms and Conditions: A 25 percent matching share, cash or in-kind, is required. The eligible recipient must have a plan or planning application that has been approved by EDA. Such plans must contain identification of economic development and adjustment



## EDA, Title IX, continued

needs, description of each activity to meet the need; method of carrying out each planned activity; statement of goals of each activity; assurances any money loaned by recipient will be repaid and reused for economic adjustment; environmental impact; evidence the plan was developed cooperatively with other public entities. All plans must be submitted for A-95 review.





PAUL GUZZI

# *The Commonwealth of Massachusetts*

## *Office of the Secretary*

### *Massachusetts Historical Commission*

*Secretary of the  
Commonwealth*

*294 Washington Street      Boston, Massachusetts 02108  
(617) 727-8470*

December 7, 1977

Mr. Frank Keefe  
Office of State Planning  
One Ashburton Place  
Boston, Massachusetts 02108

Re: Massachusetts Growth Policy Report: City and Town Centers

Dear Frank:

I am writing in answer to your request for my comments on your Growth Policy Report and its relationship to the State Historic Preservation Plan, as required by the HUD 701 Comprehensive Planning Program.

You and your staff are to be congratulated on the intensive study made of the state's needs regarding revitalization of urban centers. While more narrow in scope than the State Historic Preservation Plan, which of necessity must address all preservation needs on a statewide basis (rural as well as urban, residential as well as commercial), the State Growth Policy Report proposals, when implemented, can coordinate well with the Massachusetts Historical Commission's preservation efforts. We feel that your report is compatible with existing state historic preservation policies.

Though not our only concern, one of our directions, like yours, is toward rehabilitation of our manmade cultural resources, as evidenced by existing building stock. Though our terminologies may differ slightly, our aims overlap.

I am particularly interested in your recommendation for a Massachusetts Heritage Trust Advisory Commission. The idea of coordinating funding efforts of state agencies toward a common goal is one to which I have subscribed for some time. Perhaps the Massachusetts Heritage Trust Advisory Commission is the vehicle to implement this concept, or at least to take the first steps. As I have not had an opportunity to discuss this proposed commission with you, I am not certain of the details. However, this can be remedied by our meeting in the near future.



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December 7, 1977  
Frank O'Keefe

I can foresee problems inherent in any plan which attempts to coordinate funding, most particularly that which emanates from federal agencies to the administering state agencies. As the federal objectives, appropriation commitments, expenditure deadlines and federal legislative actions are seldom coordinated, coordinated state planning becomes very difficult. In administering National Park Service grants-in-aid, the MHC not only has the aforementioned problems, but also has diverse objectives, including but not limited to concern for urban centers. However, MHC allocation and administration of that share of our funding which does parallel your concerns would benefit from coordination with overall state efforts.

We wish you luck in implementing your State Growth Policy Report and will be very glad to discuss ways we might assist these efforts.

Incidentally, the Governor made a great speech to the "Main Street Revitalization" Conference on Monday. It was greeted with tremendous enthusiasm by all the participants.

Cordially,



Elizabeth Reed Amadon  
Executive Director  
Massachusetts Historical Commission  
State Historic Preservation Officer

xc: Governor Michael Dukakis  
Secretary Paul Guzzi  
ERA/etd

*Chapter 807*

THE COMMONWEALTH OF MASSACHUSETTS

*In the Year One Thousand Nine Hundred and Seventy-five*

AN ACT PROVIDING FOR THE FORMULATION OF A MASSACHUSETTS  
GROWTH AND DEVELOPMENT POLICY.

Be it enacted by the Senate and House of Representatives in General Court  
assembled, and by the authority of the same, as follows:

SECTION 1. The provisions of this bill are such that any delay in their implementation would cause immediate hardship and waste financial resources. The provisions of this bill, therefore, take effect upon passage. This act may be referred to as the "Massachusetts Growth Policy Development Act".

Whereas coordinated and well-planned growth and development decisions in the commonwealth would:-

--provide a healthy economy for all regions of Massachusetts by allowing new development to complement existing economic centers in existing population and employment centers;

--encourage wise use of scarce land and energy resources through location choices and construction designs that promote clustering of development and new construction and rehabilitation of existing structures in urban centers;

--increase the social and economic well-being of the commonwealth's working force;

--preserve wetlands, open space and other environmentally desirable characteristics of the commonwealth;

--ensure that local land use decisions by one municipality will have at least a neutral, if not positive, impact on surrounding municipalities;

--result in efficient use of public investments such as roadways, sewers, water facilities and schools;

this act has the following purposes:

(1) the initiation of a locally-oriented, participatory planning process to enable representatives from various interest groups in each municipality in the commonwealth to evaluate the effects of unplanned

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and uncoordinated growth and development patterns, formulate future growth and development goals which meet the needs of the diversity of residents in each municipality; coordinate local growth and development goals with the goals of neighboring municipalities and with regional needs; and to contribute substantially to the formulation of state growth and development policies and objectives;

(2) the involvement of citizens and local officials, regional planning agencies, the office of state planning and various additional state agencies and members of the general court in the development of recommendations, policies and objectives and possible appropriate tools for implementation to encourage, facilitate, and to expedite economic and industrial development, to build planning capacity at the local level and to balance such development with the preservation of the commonwealth's unique environmental resources; and

(3) to suggest possible legislation relating to growth policy matters.

SECTION 2. As used in this act the following terms shall have the following definitions:-

"agency"-the office of state planning in the executive office for administration and finance;

"committee"-local growth policy committee established in every municipality in the commonwealth according to Section 3 of this act;

"statement"-a statement of growth problems and priorities of a city or town prepared by the local growth policy committee in response to the the questionnaire from the office of state planning which may include additional comments by the committee;

"regional planning agency"-one of thirteen commissions or councils created pursuant to chapter forty B of the general laws or by special act;

"regional report"-a summary of the statements of the local growth policy committees of the regions, including citizen comments, and recommendations concerning regional growth management problems and priorities prepared by a regional planning agency;

"citizen comment"-written comment of any governmental unit, person or group of persons accompanying but separate from the statement or the regional report, such comments may be made at any time during the life of this act;



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"special commission"-Special Commission on the Effects of Growth Patterns on the Quality of Life in the Commonwealth as established by chapter ninety-eight of the resolves of 1973 and as most recently amended by the resolves of 1974;

"areas of critical planning concern"-

- (a) areas suitable for commercial and industrial development, or
- (b) an area where uncontrollable development could result in irreversible damage to important historical, environmental, natural or archeological resources, or
- (c) an area possessing inland or coastal wetlands, marshes or tidal lands, or
- (d) beaches and dunes, or
- (e) significant estuaries, shorelands, and flood plains of rivers, lakes, and streams, or
- (f) significant agricultural, grazing, and watershed lands, or
- (g) forests and related lands which require long stability for continuing renewal, or
- (h) areas with unstable soil or high seismicity, or
- (i) an area significantly affected by or having a significant effect upon an existing or proposed major public facility, or other area of major public investment;

"development of regional impact"-any proposed development which, because of its character, magnitude, or location would have a substantial effect upon the health, safety or welfare of citizens outside the jurisdiction of a single municipality;

"timetable outline"-the following timetable is established for the implementation of this act. From the effective date of this act and within the time specified the following shall happen:

--within one month the local growth policy committee shall be formed and shall receive a questionnaire from the office of state planning;

--within three months the committee shall hold a public hearing or hearings in order to invite citizen comment concerning the committee's response to the questionnaire;

--within five months the committee shall hold a public hearing or hearings to review its proposed response to the questionnaire of the agency;

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--within six months the committee shall send its report (with accompanying citizen comment, if any) to its respective regional planning agency and to the office of state planning;

--within seven months the regional planning agency shall hold a public hearing or hearings on its tentative regional report;

--within eight months the regional planning agency shall submit its final report to the agency, its constituent local growth policy committee and the special commission;

--within ten months the office of state planning shall hold hearings and file a report which summarizes the local statements and regional reports including citizen comments with the special commission;

SECTION 3. Within one month of the effective date of this act there shall be created in every municipality of the commonwealth a local growth policy committee composed of the mayor of a city, except in the case of city with a Plan E form of government in which case it shall be the city manager, or the chairman of the Board of Selectmen in the case of a town, and the following public officials or their designees: the chairman of the planning board, if one exists; the chairman of the conservation commission, if one exists; the chairman of the housing authority, if one exists; the chairman of the redevelopment authority, if one exists; the chairman of the department of public health; and the city or town planner, if one exists. In addition there shall be no less than five residents of the municipality, representative of disparate social, economic and environmental interests, to be appointed by the selectmen, in the case of a town, or to be appointed with the consent of the council by the mayor in the case of a city except in the case of a city with a Plan E form of government, in which case it shall be the city manager.

In any municipality the local growth policy committee may establish subcommittees with additional membership to represent various geographic areas within the municipality.

Any municipality may select its own guidelines for establishing a local growth policy committee provided that the guidelines are approved by the office of state planning. The guidelines shall be deemed to be approved unless the office of state planning notifies the municipality of its disapproval within seven working days after receiving the guidelines.

Every municipality shall submit to the office of state planning and its respective regional planning agency a list of members of the local

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growth policy committee and any subcommittee, together with the addresses of the members.

The chairman of the planning board or in those municipalities with formally organized planning departments, the planning director or the chairman of the Board of Selectmen if no planning board or department exists, will call the first meeting of the committee at which meeting a chairman of the committee shall be selected. The chairman is responsible for seeing that the committee fulfills all of its functions as described in this act. The committee may in the course of its activities, request information from municipal boards, commission, departments or agencies and may receive public and private funds. A member of the General Court may be an ex-officio member of any committee within his district.

SECTION 4. Within one month of the effective date of this act the Agency shall send to the selectmen of every town and to the chief executive officer of every city a request for a Statement of Growth Management Problems and Priorities, which may be in the form of a questionnaire. The format for the Statement will be prepared by the Agency and may include questions and requests for proposed policies relating to the following:-

(a) local growth management problems of highest priority, with particular reference to--

(1) the most significant changes, both recent and anticipated, in population density, economic base, and intensity and direction of development;

(2) conflicts involving land and other resources needed and suitable for industry and commerce; urban development, including the revitalization of existing communities with limited economic bases; recreation parks and open space; scientific and educational purposes; the future supply, generation and transmission of energy; solid waste management and resource recovery; transportation; health, education, and other state and local governmental services; and multiple use siting of facilities;

(3) such coastal issues as shall be deemed significant by the Coastal Zone Management Program in the executive office of environmental affairs;

(4) identification of wetlands, flood plains prime forest and agricultural lands and areas of significant mineral deposits, and steps taken to conserve them; anticipated demands for scarce natural products; and threats to agricultural and forest production, mining and forestry-- including changing land values, the tax structure and ecological factors;



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(5) conflicts or significant changes regarding water supply and sewerage;

(6) the most significant changes, both recent and anticipated, in environmental, geological and physical conditions which influence the desirability of various uses of land;

(7) the most significant zoning variances and special permits granted or refused, and all zoning bylaw changes made, during the three years prior to the effective date of this act; or in the case of cities with populations greater than one hundred thousand, during the one year prior to this act;

(8) changes in the housing needs and in the housing opportunities for all income groups in the city or town, and reasons therefor; and changes in the amount, type and location of land available for housing construction in the city or town;

(9) requirements for building and other permits that have impeded desirable growth and development;

(10) descriptions of the character and location of major commercial and industrial development that should be encouraged and facilitated by local, regional and state agencies;

(b) criteria for the identification of developments of regional impact and areas of critical planning concern in or near the responding municipality;

(c) ways in which the activities of state agencies involved in the allocation of state and federal funds for economic development, capital improvements, open space preservation, and other activities related to land use can be coordinated to prevent waste and inefficiency;

(d) community goals for growth and/or conservation and the adequacy of existing laws for achieving those goals;

(e) the type and costs of public improvements--sewers, water lines, trash disposal facilities, roadways, etc.--needed to accommodate the existing population and likely to be needed if the population continues to increase and if economic growth is to be made possible;

(f) the impact of property tax policy on development and the significance of prospective property tax revenues in the local and regional decision making processes.

SECTION 5. The committee shall, within a reasonable time subsequent to the effective date of this act, publicize its existence by announcement

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at town or city council meetings and by other reasonable means; conduct whatever inquiries are required to prepare the statement; make reasonable efforts to meet with and ascertain the views of all interested persons and groups regarding local growth management and land use policy; complete a tentative and final statement in accordance with the terms of the request made pursuant to section four of this act. The committee shall, insofar as possible, rely on existing information in preparing its statement.

Within three months of the effective date of this act, the committee shall hold a public hearing at which interested persons and groups shall be afforded an opportunity to present data, views or arguments, orally or in writing, in preparation of the tentative statement. Elected municipal officials as well as state representatives and senators shall be invited to provide their views and comments on local growth management and land use policy. However, no person or group shall be required to make presentations or arguments in writing.

At least fourteen days prior to any hearing, required in this or other sections, notice thereof shall be published in a newspaper of general circulation in the city or town and shall be posted in at least five public places in the city or town. The notice shall refer to this act; give the date, time and place of the hearing; state that the subject of the meeting shall be the tentative statement in response to the request from the agency; and that copies of said request shall be available for the clerk of the city or town. A copy of the notice shall be sent upon publication to the appropriate regional planning agency and to the office of state planning. The cost of newspaper publication shall be borne by the municipality for which the statement is being prepared.

In preparing its tentative statement the committee shall consider the testimony from the initial public hearing and within five months of the effective date of this act shall circulate copies of the tentative statement and hold an additional public hearing thereon. Within six months of the effective date of this act, the committee shall submit the statement in final form through the office of the municipal clerk to the appropriate regional planning agency, to all special purpose governmental units of which the municipality may be part, to the office of the mayor and the council or to the board of selectmen, to the office for state planning, to all contiguous municipalities, and to the county in which

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the municipality is located. Any county, city council or board of selectmen, special purpose governmental unit, private citizen, organized group, or local board or commission or committee may file, at any time, a citizen comment of concurrence with or dissent from a statement and shall file such comment with the committee, the relevant regional planning agency and the office of state planning.

The committee may propose local by-law revisions or additions that promote the objectives of the local growth policy statement.

SECTION 6. Within seven months of the effective date of this act, each regional planning agency in the Commonwealth shall prepare a tentative regional report and shall hold a public hearing thereon. The relevant local growth policy committees shall be requested to comment on the regional report and to present their comments both orally and in writing at the time of the public hearing. Within eight months of the effective date of this act, the regional planning agency shall prepare and endorse a final regional report, taking into consideration citizen comments and concerns. The report shall be forwarded, along with any citizen comments to the constituent municipalities and the office of state planning. Each regional report, in accordance with guidelines provided by the agency, shall:

(a) summarize the major findings and recommendations of the local Statements;

(b) provide, based on consideration of the Statements received pursuant to section five of this statute

(1) an assessment of inter-municipal conflicts within the region; local-regional conflicts, including but not necessarily limited to conflicts between municipalities and the regional planning agency and conflicts between municipalities and counties; conflicts between special purpose governmental units and any other units of government; and conflicts involving counties and regional planning commissions with one another;

(2) a statement of steps taken, if any, to resolve said conflicts, such as but not limited to bilateral meetings between parties in conflict, mediation by the regional planning agency or legal action; and obstacles, if any, which may prevent the resolution of such conflicts, such as but not limited to inadequate technology or information or funding, or the lack of an adequate forum for resolving disputes.



S 2087H (c) define regional growth management problems of highest priority, with particular reference to

(1) the most significant changes, both recent and anticipated, in population, economic base, and intensity and direction of development;

(2) conflicts involving land needed and suitable for industry and commerce; urban development, including the revitalization of existing communities with limited economic bases; recreation, parks and open space; scientific and educational purposes; the generation and transmission of energy; solid waste management and resource recovery; transportation; health, education, and other state and local governmental services; and multiple-use siting of facilities;

(3) such coastal issues as shall be deemed significant by the Coastal Zone Management Program in the executive office of environmental affairs;

(4) identification of wetlands, flood plains, prime forest and agricultural lands and areas of significant mineral deposits, and steps taken to conserve them, anticipated demands for scarce natural products; and threats to agricultural and forest production, mining and forestry--including changing land values, the tax structure, and ecological factors:

(5) conflicts or significant changes regarding water supply and sewerage;

(6) the most significant changes, both recent and anticipated, in environmental, geological, and physical conditions which influence the desirability of various uses of land;

(7) changes in the housing needs and in the housing opportunities for all income groups in the region and in adjacent communities; and changes in the amount, type and location of land available for housing construction in the region;

(8) requirements for building and other permits that have impeded desirable growth and development;

(9) descriptions of major commercial and industrial development that should be encouraged and facilitated by local, regional and state agencies;

(d) identify, taking into account the Statements received pursuant to section five of this statute, specific developments of regional impact and areas of critical planning concern in the region, and shall propose criteria for the future identification thereof;

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(e) reactions to brief descriptions of alternative administrative models for implementing land use and growth management policy within the commonwealth, which descriptions shall be prepared by the Agency;

(f) comment on the ways in which governmental activities may be better coordinated to prevent delays and inefficiency in the implementation of vital development projects; and

(g) evaluate the impact of property tax policy on development and the significance of prospective property tax revenues in the local and regional decision-making processes.

Any mayor, city council, board of selectmen, local growth policy committee, county official, special purpose governmental unit, private citizen, organized group, or local board or commission or committee may file, at any time, with a regional planning agency a citizen comment of concurrence with or dissent from a regional report.

SECTION 7. Within ten months of the effective date of this act, the office of state planning in cooperation with the Executive Office of Manpower Affairs and the Executive Office of Environmental Affairs and other state agencies shall prepare a report for the special commission containing but not limited to:-

(a) a summary of significant local and regional growth management problems, priorities and conflicts;

(b) a summary of criteria proposed locally and regionally for the designation of areas of critical planning concern and developments of regional impact;

(c) a summary of local and regional reactions to alternative administrative models for implementing land use and growth management policy within the commonwealth;

(d) strategies for coordinating the activities of state agencies involved in the allocation of state and federal funds for economic development, capital improvements, open space preservation and other activities related to land use;

(e) a description of the roles local and state taxes play in the pattern of growth and development;

(f) approaches to minimizing the time and cost of obtaining all permits and licenses and of completing all review procedures in order to expedite the private development process for projects consistent with sound growth policies and objectives; and

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(g) a recommended growth policy for the commonwealth, which shall reflect both local and regional preferences and capabilities, as manifested in the Statements and Regional Reports prepared pursuant to this act, and issues of statewide concern.

SECTION 8. Within eleven months of the effective date of this act, the Commission shall prepare and shall with the concurrence of a majority of its members submit to the general court and to the governor a report which shall include but need not be limited to the following elements:-

(a) standards and, where appropriate, new mechanisms, instrumentalities and processes to guide growth and development into those areas where they will be most desirable to facilitate community revitalization, to generate new economic vitality, to minimize adverse environmental effects and to conserve open land and natural resources;

(b) criteria for identifying areas of critical planning concern and developments of regional impact;

(c) approaches for minimizing the time and cost of obtaining all permits and licenses and completing all review procedures required for development; and

(d) strategies for coordinating the activities of state agencies involved in the allocation of state and federal funds for economic development, capital improvements, open space conservation and other activities related to land use.

Each element shall incorporate locally and regionally proposed standards insofar as they may be internally consistent.

SECTION 9. The Agency is hereby authorized to provide technical assistance to any regional planning agency which may request such assistance for the purpose of compliance with this act. The Agency and regional planning agencies are hereby authorized to provide technical assistance to any municipality which may request such assistance for the purpose of compliance with this act.

SECTION 10. A local growth policy committee or a regional planning agency may petition the office of state planning for an extension in the time allowed under this act. The agency may, at its discretion, grant such an extension.

SECTION 11. The provisions of this act shall be deemed severable. If any of its provisions shall be held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions shall



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continue in full force and effect.

This is a temporary act and, as such, all of its provisions must be carried out no later than July 1, 1977.

House of Representatives, December 10, 1975.

Passed to be enacted, *Thomas W. McLee*, Speaker.

In Senate, December 10, 1975.

Passed to be enacted, *Kevin B. O'Hara* President.

December 22, 1975.

Approved,

at 1 o'clock and 45 minutes, P. M.

*[Signature]* Governor.

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## Massachusetts Growth Policy Process Chronology

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July 1975	The Special Commission on "The Effects of Growth Patterns on the Quality of Life in Massachusetts" submits its first Interim Report with draft Growth Policy legislation.
October 1975	The Office of State Planning publishes <i>Towards A Growth Policy for Massachusetts</i> .
December 22, 1975	Governor Dukakis signs the <i>Massachusetts Growth Policy Development Act</i> into law, as Chapter 807 of the Acts of 1975.
January-February 1976	Local Growth Policy Committees are established in 330 communities throughout the State.
February 1976	The <i>Questionnaire</i> and <i>Handbook</i> are distributed to Local Growth Policy Committees by the Office of State Planning.
January-April 1976	Conferences and workshops on the Growth Policy Act are sponsored by MIT, Tufts University, Berkshire Community College, the Metropolitan Area Planning Council, Massachusetts Tomorrow, and others.
March 1976	Local Growth Policy Committees hold their initial hearings.
April 1976	The Office of State Planning announces the availability of Bicentennial grants to Local Growth Policy Committees.
May 1976	Local Growth Policy Committees hold second hearings on their tentative (draft) Local Growth Policy Statements.
July 1976	The Office of State Planning awards Bicentennial grants to 128 Local Growth Policy Committees.
June-September 1976	The majority of Local Growth Policy Committees complete their Local Growth Policy Statements and submit them to the Office of State Planning, to their regional planning agency, and to others.
September 1976	The Office of State Planning distributes the Local Growth Policy Statements to volunteer "readers" for review.
August-October 1976	Regional planning agencies develop draft Regional Growth Policy Reports and hold hearings to solicit comments.
November 1976	Additional Bicentennial grants are made to 40 Local Growth Policy Committees to follow up on their recommendations.
November-December 1976	Regional planning agencies complete their Regional Growth Policy Reports and submit them to the Office of State Planning and to the Special Commission.
January 1977	The Office of State Planning publishes <i>Perspectives on Growth: Excerpts from Local Growth Policy Statements</i> .
February-August 1977	The Office of State Planning prepares the State Growth Policy Report and develops recommendations for inclusion in that report.
May 1977	Statewide photo contest is held to solicit photographs for the State Report.
September 1977	The Office of State Planning publishes and distributes the <i>Massachusetts Growth Policy Report</i> .

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*Chapter 933 .*

THE COMMONWEALTH OF MASSACHUSETTS

*In the Year One Thousand Nine Hundred and Seventyseven*

AN ACT PROVIDING ASSISTANCE TO CERTAIN CITIES AND TOWNS FOR  
PARK AND RECREATIONAL PURPOSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The secretary of environmental affairs shall establish a program to assist the cities in the commonwealth and towns with a population of thirty-five thousand inhabitants which have established park or recreation commissions and conservation commissions under section eight C of chapter forty of the General Laws in acquiring lands for municipal park and recreation purposes. Said secretary may, from funds appropriated, reimburse any such city or town for money expended by it in establishing an approved project under said program in such amount as he shall determine to be equitable in consideration of anticipated benefits from such project, but in no event shall the amount of such reimbursement exceed eighty per cent of the cost of such project. No reimbursement shall be made hereunder to such city or town unless a project application is filed by such city or town with the secretary setting forth such plans and information as the secretary may require and approved by him, nor until such city or town shall have appropriated, transferred from available funds or have voted to expend from its conservation fund, under clause (51) of section five of chapter forty of the General Laws, an amount equal to the total cost of the project, nor until the project has been completed to the satisfaction of the secretary, in accordance with said approved plans. Any reimbursement received by a city or town under this act shall be applied to the payment of indebtedness, if any, incurred in acquiring land for such conservation or recreation projects. For the purposes of this act the words "cities and towns" shall mean all cities, and towns with a population in excess of thirty-five thousand inhabitants. The director of conservation services, subject to approval of the secretary, shall establish rules and regulations for the management

6783A of such programs. This act shall not apply to lands already acquired under section eleven of chapter one hundred and thirty-two A of the General Laws or to a project if it is then in competition with a funding request said section eleven.

SECTION 2. This act shall cease to be effective on June thirtieth, nineteen hundred and eighty.

House of Representatives, December 20, 1977.

Passed to be enacted, *George Leverian*, Acting Speaker.

In Senate, December 21, 1977.

Passed to be enacted, *Amos B. Smith*, President.

January 3, 1978.

Approved,

*Richard Rhodes* Governor.

APPENDIX 18.

MASSACHUSETTS ECONOMIC DEVELOPMENT PROGRAM (EDA-302)

Office of State Planning

Summary of Work Program for 1978-1979

Outline of Scope of the Work

As described more fully in the application, the Office of State Planning will undertake the following with the assistance, where requested by OSP, of the Executive Office of Economic Affairs.

- A. Maintain and implement a comprehensive state growth policy and a comprehensive state economic development policy as outlined in An Economic Development Program for Massachusetts consistent with the state's growth policy.
- B. Promote the survival and expansion of existing Massachusetts firms and the formation of new firms by removing obstacles to and creating opportunities for the development and growth of Massachusetts firms.
- C. Promote the rehabilitation and reuse of existing buildings as sites for the settlement of existing and projected commercial and industrial activity.
  - 1. Monitor adherence to Executive Order 135 which requires that all state agencies seeking new facilities give preference to downtown locations and existing buildings in urban areas.
- E. Continue analysis of the state's local property tax structure and possible alternatives for reform or selective improvement and propose legislative and administrative action as appropriate.
- F. Coordinate the state's locational efforts for economic development with the state's Growth Policy Report emerging from the Local Growth Policy Act.
- G. Participate in reviewing and reformulating the state's business incentives, manpower programs, and other policies so that they reinforce the state's commitment to promoting the preservation of neighborhoods, revitalization of urban areas, and increases in urban job opportunities.
- H. Continue initiating and coordinating development projects and programs with substantial economic and fiscal benefits.
- I. Participate in the review and promotion of programs to bring about a better match between manpower training programs and reasonable projections of job opportunities, including participation in the state's job creation experimental programs.
- J. Review project applications for Section 304 funds which are consistent with state policy.



- K. Participate in improving the state's capacity to analyze the fiscal and economic impacts of state decisions and their impact on private sector economic development, and practice responsible fiscal management within state government and stabilize the overall tax burden on individuals and businesses within the Commonwealth.
  - 1. Coordinate and provide regular staff support to the Governor and the Development Cabinet in the analysis of the fiscal and economic impacts of certain proposals (e.g., the revision of the state's gross investment tax).
  - 2. Continue to investigate alternative policies and strategies for reforming the state's corporate tax structure to foster economic activity.
- L. Pursue reforms to streamline the state's development permitting process and those of local government units.
- M. Continue monitoring, analyzing, and promoting proposals to influence national and regional economic policy and decision-making.
- N. Continue to administer the state's A-95 Project Notification and Review System.

## APPENDIX 19.

### MASSACHUSETTS WATER RESOURCE POLICIES

#### RECOMMENDED SUPPLY MANAGEMENT POLICIES

It is the policy of the Commonwealth to:

- . Require that water utility systems continue to give priority to health and safety over all other considerations.
- . Guide and control supply planning by water utilities through conditional grants, financial incentives, and state review and approval procedures.
- . Encourage and assist water utilities to draw upon water sources within each of the Commonwealth's 12 major watersheds for meeting needs within their own watershed, limiting consideration of inter-basin transfers to demonstrable necessity, including adequate evidence that local water resource options have been exhausted, and full environmental review which shows that environmental effects are within acceptable limits.
- . Encourage the planning of local water supplies to include, whenever feasible, multiple uses including recreation, fish and wildlife habitat maintenance, protection of natural systems, and enhancement of aesthetic values.
- . Establish standards for and monitor minimum stream flows and pond or lake levels, and regulate withdrawals of ground and surface water to assure preservation of waterdependent natural areas, coordinating the monitoring of interstate streams with other states.
- . Encourage and assist water utilities to: reserve surface supply sources for multiple uses; give priority to development and re-activation of ground water sources; and to acquire, protect for quality, and manage the recharge of ground water areas and watersheds to the extent necessary to postpone treatment as far as possible.
- . Include desalination as an integral part of long-range supply planning.

#### RECOMMENDED DEMAND MANAGEMENT POLICIES

It is the policy of the Commonwealth to:

- . Require statewide water conservation efforts, including the use of water saving appliances in all new construction, and encourage MDC, regional and local water suppliers to institute mandatory conservation measures based on state determined estimates of minimum water needs.
- . Require metering of all water utility deliveries and accelerate programs to install, maintain and replace meters in all local systems, giving priority to systems having the greatest amount of unaccounted-for water.
- . Require the rehabilitation of supply and distribution facilities which show large quantities of "unaccounted-for" water.
- . Encourage and assist water utilities to promote recycling of industrial process water and renovated municipal wastewater.
- . Require state review of water rates set by all publicly and privately owned utilities to assure equitable pricing across the state.

#### RECOMMENDED ADMINISTRATIVE MANAGEMENT POLICIES

It is the policy of the Commonwealth to:

- . Encourage new programs and new financial commitments by the federal government in support of state and local comprehensive water resource planning, protection, and management activities. Such federal programs for water resources should be of the "block-grant" type permitting maximum flexibility to state governments in their formulation and administration.
- . Establish a State Water Resources Department: to prepare and maintain an assessment of water resources by watershed areas; to coordinate and guide watershed planning; to administer technical assistance and grant programs; to prepare "water budgets" and plans for all water uses including recreational waters; to advise the Secretary of Environmental Affairs on water rights and water allocation questions; to develop a formal process to deal with interbasin transfers and recommend agreements acceptable to all parties in specific interbasin transfer cases; to monitor stream, pond, lake, and aquifer withdrawals and the treatment thereof; to review local water rates; and, to regulate and administer such other matters as may affect the public health, safety and welfare.
- . Provide assistance to local communities, particularly for monitoring quality of all water supplies, for advising on local supply options, for securing federal and other grant programs, and for conducting conservation programs.
- . Initiate state level responsibilities for broad, long-range water supply planning, coordinating with regional planning agencies and using defined watershed areas for basic analysis.



- . Arbitrate water rights questions among local community water utilities by an appropriate state administrative agency.
- . Develop within the Executive Office of Environmental Affairs the means to advise the Legislature on questions of water allocations among communities.
- . Require local, regional and state water resource and related plans and developments to reflect full environmental review, strict land use controls, and the use of techniques such as advance land acquisition. Also, designate critical environmental areas which are necessary to protect natural waters and related lands for watershed protection and aquifer recharge.
- . Encourage regionalization of water supply systems when economically and technically feasible, and in accordance with state policy.

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#### SUPPORTING DOCUMENTATION

- . Massachusetts Water Supply Policy Study (EOEA, January 1977) pp. 115-118.



# HOUSE . . . . . No. 6109

## The Commonwealth of Massachusetts



GREGORY R. ANRIG  
COMMISSIONER OF EDUCATION

*Department of Education*

*182 Tremont Street*

*Boston, 02111*

April 15, 1977

Honorable Wallace C. Mills, Clerk  
House of Representatives  
State House  
Boston, Massachusetts

Dear Mr. Mills:

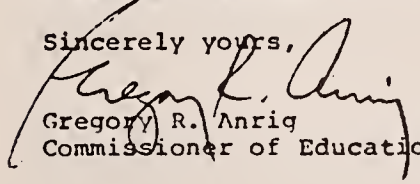
As provided by Chapter 302 of the Acts of 1976, I am forwarding to you a copy of the regulations governing the administration of the school building assistance program which were adopted by the Board of Education on an interim basis at its regular monthly meeting held on March 29, 1977, after compliance with the administrative procedures act, including public hearings in Springfield and the Greater Boston area.

Chapter 302 requires that, "forthwith upon the adoption of such regulations, the board shall file a copy thereof with the clerks of the senate and house of representatives who, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to an appropriate committee of the general court."

The statute further provides that "within thirty days after such filing, the said committee may hold a public hearing on the regulations, shall issue a report, and file a copy thereof with the board of education. Said board shall adopt final regulations making such revisions in the interim regulations as it deems appropriate in view of such report and shall forthwith file a copy of the regulations with the chairperson of the committee of the general court to which the interim regulations were referred and not earlier than thirty days after the date of such filing, the board of education shall file the final regulations with the state secretary and the said regulations shall thereupon take effect."

Please be assured that I shall be very pleased to provide any information or assistance to the General Court in its review of these regulations.

Sincerely yours,

  
Gregory R. Anrig  
Commissioner of Education



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Commonwealth of Massachusetts  
 Department of Education  
 SCHOOL BUILDING ASSISTANCE BUREAU  
 182 Tremont Street Boston 02111

MEMORANDUM

April 15, 1977

TO: Gregory R. Anrig, Commissioner of Education

FROM: John A. Calabro, Administrator  
 School Building Assistance Bureau

SUBJECT: Revised Regulations for Chapter 645 as Amended.

Attached you will find a copy of the proposed regulations for the School Building Assistance Act which I have revised in response to testimony and letters received in connection with the public hearings of March 1 and 3, 1977, and Board of Education discussion of March 29, 1977.

The major changes are in the areas of space allowance for community schools and for rehabilitation of existing buildings.

We have given careful consideration to the concerns of Frank Keefe, Director of the Office of State Planning, and Richard Ames, Undersecretary of Educational Affairs who reviewed the proposed regulations for Paul Parks, and to all others who wrote or testified. Mr. Keefe and Mr. Ames expressed strong feeling in favor of greater support for rehabilitation projects in the regulations, and to accommodate their position we have done two things:

1. Deleted the 70% limitation so that rehabilitation projects will be treated in the same manner as proposals for new construction insofar as cost-sharing by the State is concerned.
2. We have created a new sub-section for rehabilitation rather than having references to rehabilitation spread throughout the document. This new sub-section originally known as Section 2.7.0 has been designated as Section 3.3.0.I, in the present document as it relates more nearly to procedure than it does to priority, the section in which it was originally placed.

A second major area of concern was expressed by persons interested in community education programs. To strengthen the regulations in this area in the interest of community schools, we:

1. Provided that community education programs have to be approved either by the local School Committee or other local agency or office having lawful control over such programs, and retained the requirement that such programs be agreed to by the Board. Those testifying believed potential conflict would arise in those cases in which community education programs were not governed by the local School Committee but by some other municipal authority. Several cases were cited as examples.

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2. Emphasized that community space was includable in the gross overall space allowance and added that in those cases in which inclusions within gross allowable limits would cause the gross square footage to exceed the allowed square footage, community education space not to exceed 1800 additional square feet could be included and be shared in financially by the Commonwealth. (The request of the advocates for such space was generally for 3000 square feet. When I questioned Dr. O'Neill of the Worcester State College Community School Center, he indicated that 1800 square feet would be quite satisfactory).

The reference to special education space was clarified.

The following regulations are promulgated pursuant to the authority of the Board of Education to carry out the provisions of Chapter 645 of the Acts of 1949, as amended.

#### 1.0 Definitions

The following terms shall have the following meanings.

- 1.1 The Act: Chapter 645 of the Acts of 1949, as amended.
- 1.2 Application: All materials and written information required by the Board acting through the School Building Assistance Bureau to demonstrate that the planning for a proposed project is complete at least through the preliminary plan stage of development. The word application shall include all required inter and intra-agency approvals and cost estimates.\*
- 1.3 The Board: The Board of Education of the Commonwealth.
- 1.4 Educational Specifications: A numerical and verbal description of a specific educational program for a specified number of students over a specified period of time, together with spaces needed to support the program, complete to the degree that an architect may use it as the basic document from which to create the design of the facility. Educational specifications may consist of forms or narrative or both as specified from time to time by the Department of Education.
- 1.5 Final Working Drawings: Final working drawings consist of plans which together with specifications form the basis for bids. Final plans shall substantially reflect the approved preliminary drawings and shall bear the seal of an architect registered in Massachusetts.
- 1.6 Preliminary Plans: Preliminary plans shall consist of floor plans, elevations, layouts if requested, site plans, plot plans, topographical plans, and plans showing the location of the proposed project in relationship to other schools in the district, other plans deemed necessary by the School Building Assistance Bureau, and shall bear the seal of an architect registered in Massachusetts.
- 1.7 Receipt of Application: For purposes of approval of a grant for construction, the date on which the application is placed before the Board for approval. For purposes of inclusion in a quarterly priority list, the date on which the application was received by the Board for establishment of the quarterly priority list.

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- 1.3 Renovation project: The words "renovation project" shall encompass approved school projects authorized by Chapter 754 of the Acts of 1968 and shall include projects for reconstruction, remodeling, rehabilitation, and modernization of school buildings. Such projects shall consist of work of such scope that, in lieu thereof, proper utilization of the present educational facilities would require complete structure replacement. A renovation project shall be aimed at providing an educational facility substantially equivalent to that of a new facility and shall consist primarily of work other than deferred maintenance.

2.0 Priorities

The following regulations are promulgated pursuant to the authority of the Board of Education stated in Section 27 of Chapter 645 of the Acts of 1943 as amended to define the procedures pursuant to which the priorities established by that section will be implemented.

- 2.1 Beginning on July first, nineteen hundred and seventy-six, and every three months thereafter, the board shall publish a list of all project applications received showing the priority assigned to each such project. In the case of school projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of the board to reduce or eliminate racial imbalance, the board of education shall establish and publish a second priority list separate and distinct from the list of all other school projects. To qualify for publication, successful completion of the application process through staff approval of preliminary plans is required.

The priority lists shall be established quarterly by the board and shall be published in Education, The Commonwealth, a publication of the board, or other publications having a wide distribution.

The board shall use the following standards in establishing priorities for projects other than those designated by the board as needed to reduce or eliminate racial imbalance or those ordered by a court as necessary for desegregation.

2.2.0 Priority One

Priority shall be given to school projects needed in the judgment of said board to replace or renovate a building which is structurally unsound or otherwise in a condition seriously jeopardizing the safety of children, where no alternative exists.

- 2.2.1 To qualify as a Priority One project, a proposed school project shall comply with the following:

- A. The existing facility in question must be characterized by conditions which seriously jeopardize the safety of students attending the facility or who have been ordered for reasons of safety not to attend the facility by an agency legally authorized to do so.
- B. The facility must be needed as part of the system's total school plant to accommodate



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the approved program of the school system. That is, the facility must present the most economically and educationally sound solution to the facility problem, after all feasible alternatives including but not limited to those listed in Section 3C of the act have been considered. Redrawing of attendance areas within a school system shall be considered as an alternative to construction or as a means of reducing proposed construction.

2.2.2. In determining that a proposed project is a priority one project, the board may:

- A. Require the applicant to submit a written evaluation of the facility by the locally responsible building inspector, by a structural engineer, or other technically qualified specialist retained by the applicant, as to the structural soundness of the facility, the feasibility of making it sound, and the feasibility of converting the structure if necessary to support a modern program.
- B. Require the applicant to submit such estimates of costs as the Board deems advisable.
- C. Require the applicant to submit a written evaluation of the facility by a building inspector of the Department of Public Safety of the Commonwealth to assist in making such determination.

The board may also retain specialists to evaluate compliance with the standards of this section.

### 2.30 Priority Two

Priority shall be given to school projects needed in the judgment of said board to prevent severe overcrowding expected to result from increasing enrollments or to eliminate existing severe overcrowding.

2.31 For purposes of this section, overcrowding shall mean a student density within the school facility as a whole substantially exceeding the density standards established in Section 4 of these regulations, or substantially exceeding the enrollment for which the school was planned, and shall not include overcrowding in an individual subject area or areas. Thus, for example, a school not otherwise overcrowded and having only one specialized space for a specific subject area would not be determined to be overcrowded under this section if it were claimed that two such specialized spaces instead of one were needed to accommodate those students desiring to enroll in that subject.

2.3.2 In determining that a proposal is a Priority Two proposal, the board may require the applicant to submit:

- A. Enrollment projections from as many sources as it deems necessary, including those developed by the Department of Education.

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- B. Statements from local officials and from other qualified sources which would establish the likelihood of sustained severe overcrowding or of increasing enrollments leading to severe overcrowding.

2.4.0 Priority Three

Priority shall be given to school projects needed in the judgment of said board to prevent loss of accreditation.

- 2.4.1 In order to qualify as a Priority Three proposal, a proposed project must be designed to remedy the loss of accreditation or the threat of such loss due to inadequate facilities.

In determining that a proposed project is a Priority Three proposal, the board may require the applicant to submit copies of all relevant correspondence and reports between the accrediting agency and the applicant establishing the loss of accreditation or threat of such loss as caused at least in part by inadequate facilities.

Representatives of the board shall meet with representatives of the accrediting agency to review the merits of the position of the accrediting agency in cases where differences of opinion may exist between the agency and the board.

2.5.0 Priority Four

Priority shall be given to school projects needed in the judgment of said board to replace or add to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

In finding a Priority Four status, the board shall determine that the proposed facility is needed and shall determine that the proposed program is consistent with current state and local requirements and with current good educational practice.

- 2.6.0 In considering projects involving occupational education programs and spaces at the secondary school level, the board may give priority to those applications which promote the delivery of occupational programs in urban and suburban areas and which provide or amplify such programs in general, academic, or comprehensive high schools.

3.0 Procedures and Program and Cost Standards

The following regulations are promulgated pursuant to the authority of the board stated in Section 2C of Chapter 645 of the Acts of 1943, as amended, to issue regulations for the implementation of that section.

3.1 Procedures for Application

Annually, the board shall announce the application period and procedures which applicants are required to follow in order to apply to the board for a financial grant for school construction during the following fiscal year.

Annually the board shall compile by tentative priority categories a list of prospective applicants for school building

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assistance for the following fiscal year based upon the outcome of Building Needs Conferences conducted prior to the compilation of such list. This list shall be the basis for the board's request to the legislature for authorizations. The board may limit its request to the legislature for an authorization amount equal to the sum of the estimated annual payments of those project proposals which said board deems to be in the best interests of the Commonwealth and the applicant and which it deems most likely to receive local bond authorization support.

General procedures for applying for a grant under the Act shall include but not be limited to the following:

The applicant shall participate in a building needs conference to establish need and develop a long-range plan pursuant to section 3.2, below.

The applicant shall demonstrate that the proposed site meets the requirements of section 3.2.3.

The applicant shall develop a set of educational specifications within the meaning of Section 1.4. and as further described elsewhere in these regulations and shall review them with staff of the School Building Assistance Bureau.

The applicant shall develop a set of preliminary plans as defined in section 1.6 and as further described elsewhere in these regulations and shall review them with staff of the School Building Assistance Bureau.

The applicant shall develop a set of final working drawings as defined in section 1.5. and as further described elsewhere in these regulations and a set of construction specifications and shall review them with staff of the School Building Assistance Bureau.

At its discretion, the board may approve a project prior to the development of final working drawings and specifications.

Prior to approval of an application for a grant by the board, the applicant shall submit certification of the availability of funds sufficient to cover the estimated cost of the proposed project.

### 3.2 Building Needs Conference

In order to establish need for a proposed project, and to ensure that all alternatives for satisfying said need are fully addressed, the board through the School Building Assistance Bureau shall conduct a Building Needs Conference, pursuant to the provisions of this section.

- 3.2.1 Representatives of the applicant including but not limited to one or more representatives of the school committee; one or more members of the building committee appointed by authority of town meeting, where applicable, or in the case of cities, a representative of the office or body authorized by law to construct school buildings in that city; and the superintendent of schools or his designee, shall meet with representatives of the School Building Assistance Bureau and other officials of the Department of Education, as appropriate.



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3.2.2 The Building Needs Conference shall include consideration of the following to determine whether proposed projects are in the best interest of the applicant and of the Commonwealth with respect to site, sufficiency of accommodation, efficiency, and cost effectiveness, and to examine alternatives available to meet the needs for facilities.

- A. The current enrollment in the applicant's schools and projected enrollments up to ten years in the future.
- B. The current and proposed grade organization plan.
- C. The current size and grade organization of the school system.
- D. The manner in which occupational education and special education programs will be made available to pupils in the system. Preference shall be given to proposals designed to provide delivery of occupational programs in comprehensive or academic secondary schools.
- E. The capacity of the existing school plant.
- F. The condition of the existing school plant and its probable use in the future, and recommendations for abandonment, remodeling, rehabilitation, reconstruction, modernization, or addition to the existing buildings.
- G. Procedures to be followed by the applicant throughout the planning and construction of the project such as will assure maximum attention to the cost effects of program and design decisions, materials, and systems selections.
- H. Options of tuitional agreements with adjacent school districts of renting and acquisition of existing structures, together with conversions necessary to create a facility necessary to support a modern educational program. The availability of space in adjacent districts shall be considered as an alternative to construction.
- I. If the project as proposed by the applicant involves the construction of a new facility the Building Needs Conference shall review the cost benefit analysis prepared pursuant to section 3.3.1 of these regulations, to determine if there are other feasible alternatives that would be better suited, in terms of the educational need and total cost effectiveness and efficiency, to meet the applicant's projected need.

If need for a school project is established, the following shall be developed as a result of the conference between the applicant and the Department;

- A. An educationally and financially sound long-range facilities plan for the system.
- B. Agreement upon the scope of a proposed project including a specific number of students for a specific range of grades.
- C. Assignment of a priority status to be recommended to the Board for the project.

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3.2.3 Site

A school site shall conform to the following requirements:

- A. The site selected shall be chosen on the basis that it will meet the educational need and minimize any possible adverse educational, environmental, social, or economic impact upon the community. Such adverse impact includes, but need not be limited to, the following:
  1. Need to provide new sewers, roads, transportation facilities, water supply, water connections, and the like, to the site.
  2. Existence of soil conditions which will cause site development costs to be greatly increased.
  3. Curtailment of the approved educational program.
- B. The site shall be so located as to serve efficiently and safely the school population it is intended to serve and shall be of sufficient size to accommodate the building and planned future additions thereto, the agreed upon outdoor educational program, needed parking areas, but turn-arounds, delivery areas, required setbacks and planned aesthetics.
- C. The site shall be reasonable free from olfactory, auditory, visual, and noxious pollution, or should be capable of being made so prior to commencement of construction.
- D. The site shall not be excessively costly to the community by reason of the presence of excessively ledge, undesirable soil conditions, the need for extensive archeological surveys, and costs related to relocation of individuals or businesses on the site.
- E. The existence of appropriate public facilities that can enhance the school's educational program which are located in close proximity to the site may be considered to reduce the number of spaces needed to carry out the educational program of the school, provided that sufficient long-term commitments satisfactory to the board can be arranged to ensure that these facilities will be available for use by the school in the same manner and to the same degree as if they were in fact integral elements of the school. Proximity to other facilities such as libraries, museums, parks, natural resources, nature study areas, etc., which would enhance the proposed educational program shall be carefully studied and strongly encouraged.

Site approval shall be made by letter from the School Building Assistance Bureau.

3.2.4 Educational Specifications

Each applicant shall submit educational specifications as defined in Section 1.4 and such other materials relating to educational specifications as are required by these regulations or by the board, and such specifications when approvable shall

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receive staff approval in the form of a letter from the School Building Assistance Bureau.

**3.2.5 Preliminary Plans**

Each applicant shall submit preliminary plans as defined in Section 1.6 and such other materials relating to preliminary plans as are required by these regulations, provisions of statute, and the board. Such specifications when approvable shall receive staff approval in the form of a letter from the School Building Assistance Bureau.

**3.2.6 Final Working Drawings**

Each applicant shall submit final working drawings as defined in Section 1.5 accompanied by construction specifications. Such plans when deemed approvable shall be approved by letter from the School Building Assistance Bureau.

**3.2.7 Plans - General**

On each set of preliminary and final plans submitted for approval, the applicant shall label each space as identified in the educational specifications (space computations) and shall show the net square footage of each such space.

**3.2.8 With each set of preliminary and final plans submitted for approval the applicant shall provide a statement of gross square footage detailed according to the components Basic Instructional Space, Miscellaneous Educational Spaces, and Other, as defined in Section 4.6.1. B.****3.2.9 Certification of Funds**

Prior to approval of an application for a grant by the board, the applicant shall submit certification of the availability of funds sufficient to cover the estimated cost of the proposed project.

**3.3.0 General Procedures Applicable to All Projects**

In order to assure maximum attention to the cost effects of program and design decisions and materials and systems selections, the applicant shall comply with the following:

- A. New school buildings shall be planned for a minimum educational life of fifty years. Renovations and acquired facilities shall also be planned for a minimum educational life of fifty years.
- B. Buildings shall be designed to minimize vandalism, and materials and finishes shall be selected to minimize such vandalism.
- C. All facilities in an approved school project shall provide for equality of educational opportunity without discrimination on account of sex, race, color, religion, or national origin, and shall meet the requirements of Section 5 of Chapter 76 of the General Laws and regulations made thereunder.
- D. Applications shall be reviewed by specialists of the School Building Assistance Bureau for educational adequacy and for compliance with the provisions of



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these regulations and approval shall be signified by letter from the School Building Assistance Bureau.

- E. Applicants shall submit an appropriate statement accompanying preliminary and final drawings certifying that plans for the proposed project as developed to that point represent to the best of the applicant's ability satisfactory cost effective design, material, and finish decisions consistent with current good value engineering review practice and the provisions of Chapter 645 and of these regulations. Such statement shall specify the procedure by which the project shall be planned and designed to achieve a desired standard of excellence at most effective cost, and that a systematic approach shall be employed to identify and remove unnecessary costs as these relate to the selection or design of the following:

- Energy use
- Site
- Site preparation
- Utilities design and location
- Foundations
- Structural systems
- Roof systems
- Carpentry
- Masonry
- Roofing
- Windows and glazing
- Acoustics
- Plumbing
- Heating and Ventilating systems
- Electrical systems
- Exterior facing
- Site development
- Fixed equipment

In the interest of cost effectiveness, the applicant shall carefully weigh the effects of initial capital costs against maintenance costs over the life of the building in order to reduce such maintenance costs.

Life-cycle cost estimates of all technically feasible energy systems as defined in Chapter 433 of the Acts of 1976, shall be considered during the preliminary design stage in order to ensure that the energy system with the lowest life-cycle cost estimate will be identified in accordance with the provisions of Chapter 433.

- F. During construction, staff of the School Building Assistance Bureau may visit the construction site to determine that the project is being built as approved. A review of the facility in operation shall be made prior to the determination of the final approved cost of the project.
- G. All construction contracts and sub-contracts shall be in conformity with all applicable provisions of federal, state and local law, and where in the judgment of the board, violations of such laws are deemed to exist, the board may withhold funds due on account of the project until such violation shall be remedied.

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- II. All construction contracts shall be in conformity with applicable law and regulations related to minority hiring. Every state assisted contract for a school project including sub-contracts shall include the Commonwealth's Supplemental Equal Employment Opportunity/Anti-Discrimination and Affirmative Action Program as part of the contract. Compliance with and enforcement of all safety and building code provisions shall be the responsibility of the applicant.

I. General

An applicant for any school project shall fully explore the feasibility of renovating its existing school building, if such is structurally sound or can be made so, and/or of acquiring by purchase, lease, or other devise, an existing building, or buildings which are structurally sound, available within the community, and adaptable for school purposes.

In the case of any proposed school project which involves construction of a new facility, an applicant for such project shall present full documentation to demonstrate that there are no existing buildings available, including the present school building itself, if such exists, that are structurally sound or are reasonably capable of being made so that could feasibly be renovated and or adapted for school purposes. Such documentation shall be in the form of a cost benefit analysis which clearly and fully shows that the proposed new construction is the best available alternative to meet the projected need based upon the educational program to be housed, total cost effectiveness, and the public interest. Factors that shall be considered in such analysis shall include, but not necessarily be limited to the following:

1. Direct costs of the project as proposed, including cost of acquisition of any land, if such is necessary, actual construction costs, and cost of equipment and furnishings.
2. Direct costs of renovating the present school building, if such exists, is structurally sound or can reasonably be made so, and can be feasibly converted to support a modern program; as well as cost of any additional equipment or furnishings necessary.
3. Direct costs of reusing an existing structurally sound building, or buildings, available within the community, that could be adapted for school purposes to support the approved program, such costs to include the cost of acquisition (if any), of such building, or buildings, either through purchase, lease, or other devise, and the cost of any repair, restoration, or other work, necessary to adapt the building, or buildings, for school use, as well as the cost of equipment and furnishings.
4. Indirect costs associated with each of the alternatives set forth in 1 to 3 above, including the costs to

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the community, and to the Commonwealth, resulting from the need to provide new sewers, roads, transportation facilities or services, utilities, water connections, or the like, if any, for each alternative set forth in 1 to 3 above.

5. Costs or benefits to the community caused by the abandonment of the present school building including the effect such abandonment will have upon existing public, as well as private investment in the areas including its potential sale. Demolition costs, or existing opportunities for reuse of such building, if any, shall also be included.
5. Costs or benefits to the community caused by the abandonment of the present school building including the effect such abandonment will have upon existing public, as well as private investment in the areas including its potential sale. Demolition costs, or existing opportunities for reuse of such building, if any, shall also be included.

#### 1. Appeals

Appeals of decisions of the staff of the Department of Education shall proceed from the level at which any such decision was made to the next level according to the following order:

Assistant Administrator, School Building Assistance Bureau;  
Administrator, School Building Assistance Bureau; Associate  
Commissioner, Division of School Facilities and Related  
Services; Commissioner of Education; Board of Education

#### 4.0 Program and Cost Standards

- 4.1 The board shall issue annually program standards and cost standards for all proposed school projects.
- 4.2 A school project shall be designed based upon an approved program for a specified number of students for a typical academic week.

The academic week shall be consistent with current good practice and shall consist of subjects approved by the school committee and shall comply with requirements of law and regulations of the board relative to curriculum, program, and length of school day and year, and in addition may contain provision for community programs approved by the board, supportive of activities for all residents designed to promote individual growth and citizenship.

Facilities for community programs may be included in the approved school project and may be shared in financially by the Commonwealth provided that such facilities support programs approved by the board, and by the local school committee or other local agency or office having lawful control of community programs, and are otherwise consistent with the Act and these regulations. Community school spaces shall be included within the gross square footage established in Section 4. Additionally, should the community program warrant it, additional community space not to exceed 1,800 square feet, may be approved, if the approved community program cannot be accommodated within the approved gross square footage and such additional space may be shared in financially by the Commonwealth.

A school project shall consist of spaces needed to support the approved program.



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**4.3 Planned Enrollment**

The Department and the applicant shall agree on a planned enrollment for the school project. The planned enrollment shall be consistent with demonstrable need.

Elementary schools shall not be planned to serve more than four classes per grade; junior high schools and middle schools shall not exceed 1200 pupils in planned enrollment, and high schools in grades 9-12 shall not be planned to exceed 2000 pupils in planned enrollment.

Generally, schools shall be planned to accommodate at least the following minimum enrollments:

Elementary schools - two classes per grade or ten general classrooms or equivalent general areas.

Junior High and middle schools - from grade 4 up to grade 8 - 400 pupils.

High schools - 9-12 - four grades - 500 pupils.

Exceptions may be made to the above minimum and maximum standards in circumstances determined appropriate by the Board of Education.

**4.4 Gross Square Footage and Cost Standards**

The Commonwealth shall share in construction of school facilities within the following limitations in gross square footage determined according to the method of computation contained in Section 4.6.1 of these regulations, provided that the square foot cost per pupil in planned enrollment does not exceed the amounts in Section 4.6.3 as modified in Section 4.6.2. The Administrator, School Building Assistance Bureau, shall have discretion to make reasonable adjustments in cases where core facilities are planned for numbers in excess of agreed upon initial planned enrollment.

**4.5.0 The gross square footage limits are as follows:**

Elementary Schools - not more than 115 square feet per pupil in planned enrollment. Kindergarten enrollment shall be halved.

Middle Schools/Junior High Schools - not more than 135 square feet per pupil in gross square footage.

High Schools General or Academic - not more than 155 square feet per pupil in gross square footage.

Vocational Technical Schools - not more than 225 square feet per pupil in gross square footage.

The gross space limitation for vocational technical programs approved by the Department of Education in a general or academic secondary school (comprehensive high school) shall be computed by multiplying the number of approved occupational spaces by the per pupil square foot allowance for vocational technical schools.

The following are standards for program activities eligible for state financial assistance for school construction. In the case of open plan buildings, the board may permit reasonable variations from the size of the listed program spaces with adjustment in gross project allowances where it can be demonstrated that the planning for such facility reflects good educational practice. Exceptions may also be made to the following minimum and maximum program standards in circumstances determined appropriate by the Board

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of Education. Special Education spaces may receive special consideration in the discretion of the School Building Assistance Bureau and the Division of Special Education, notwithstanding the gross square footage allowances contained in these regulations.

#### 4.5.1 Elementary School Program Standards

Program spaces for an elementary school shall be shared in by the Commonwealth if they fall within these ranges. A variation of 5% is permitted.

All spaces exclusive of storage - minimum-maximum

Classrooms	900-1000 square feet
Kindergarten (with self-contained lavatory)	1200-1300 square feet
Special Education	as needed.
Art	1000-1200 square feet
Music	1000-1200 square feet
Practice Rooms	75- 130 square feet
Ensemble Rooms	to 200 square feet
Media Center/Library-Reading Room	1800-3000 square feet
Cafeteria	15 square feet per child in the school computed to accommodate not more than $\frac{1}{4}$ the planned enrollment and not less than $\frac{1}{3}$ the planned enrollment.
Gymnasium	
A. Twelve classroom school or larger-separate gymnasium - First two teaching stations.	2000-3000 square feet per station
B. Smaller school, all-purpose room or third teaching station and subsequent teaching stations	1800-3000 square feet each
Administration	to 800 square feet
Health Suite	300-750 square feet
Guidance Suite	as needed
Remedial and Seminar	to 500 square feet each

#### 4.5.2 Secondary Schools Program Standards

Program spaces for a secondary school may be shared in by the Commonwealth if they fall within these ranges. A variation of 5% is permitted.

##### Classrooms

(A) Small Group Seminar	300-500 square feet
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- |   |                       |
|---|-----------------------|
| (B) Regular Interchangeable<br>(20-30 pupils) | 750-850 square feet   |
| (C) Large Group (80-125 pupils)               | 1500-2000 square feet |

Art

- |  |                       |
|--|-----------------------|
| (A) General Area (storage not included)      | 1200-1400 square feet |
| (B) Specialized Areas (storage not included) | 600-1000 square feet  |

Music

- |                                    |                            |
|------------------------------------|----------------------------|
| (A) Rehearsal (band, chorus, etc.) | 1400-1600 square feet      |
| (B) Theory and Choral              | 750-1200 square feet       |
| (C) Practice Rooms                 | 75-130 square feet each    |
| (D) Ensemble Rooms                 | up to 200 square feet each |

Business Education

- |                |                      |
|----------------|----------------------|
| (A) Classroom  | 750-850 square feet  |
| (B) Laboratory | 750-1100 square feet |

Homemaking

- |  |                       |
|--|-----------------------|
| (A) Food Area  | 1200-1400 square feet |
| (B) Home Management<br>(depending on nature of<br>program - can also be in<br>regular classrooms.) | 2400-2600 square feet |
| (C) Clothing<br>1 usually planned for 20<br>students, may vary from 16-24                          | 1200-1400 square feet |

Industrial Arts

- |                                   |  |
|-----------------------------------|--|
| Shops                             | up to 100 square feet per pupil<br>each shop |
| Mechanical Drawing (25-30 pupils) | 900-1000 square feet                         |

Science

- |                                   |                       |
|-----------------------------------|-----------------------|
| (A) Lecture-Laboratory            | 1000-1200 square feet |
| (B) Demonstration/General Science | 900-1000 square feet  |

Cafeteria

15 square feet per pupil computed  
to accommodate not more than  $\frac{1}{2}$   
nor less than  $\frac{1}{3}$  the planned  
enrollment



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Physical Education

- (A) Gymnasium (2 stations) 6200-7500 square feet  
 (B) Additional Teaching Station 1200-3500 square feet (each)

Library (Instructional Materials Center)

Reading room - up to 15% of enrollment x 40 square feet - maximum  
 (Other areas may be added, if planned, i.e., office, conferences, etc..)

Auditorium

Seating for not more than planned enrollment or more than 1000 persons, if the planned enrollment exceeds 1000.

Allow

7 square feet per person maximum

Administration

to 1500 square feet

Guidance

800-1000 square feet

Health

500-1000 square feet

4.5.3 Junior High Schools & Middle Schools

Educational program spaces in the junior high and middle school shall be the same as noted above for the secondary school, with appropriate adaptations, such as:

## Science

1000-1200 square feet

Physical Education (2 stations)  
Additional Stations

4500-7500 square feet  
up to 3000 square feet each

## Industrial Arts

1500-1800 square feet per station

4.6 Computations

For the purpose of calculating the state construction grant the estimated approved cost and the final approved cost for a school project shall not exceed the cost that would result by multiplying the gross square footage per pupil by the planned enrollment and by multiplying the result by the established cost per square foot. The project shall also conform as set forth in these regulations to minimum program standards.

The above provision shall not be deemed to preclude a city, town, regional school district or county from including in an approved school project such facilities or design as it determines, in addition to those required to conform to minimum program standards and costs, provided, however, that the cost of such additional facilities and design shall not be included in the estimated approved cost and final approved cost on the basis of which the state construction grant is calculated.

For purposes of determining grants for approved school projects, computations shall be made in accordance with the following provisions.

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4.6.1 Space Computations

Gross and net square footage and perimeter measurements shall be reported with all preliminary, revised, and final drawings submitted for approval, and shall be computed according to the following methods.

A. Gross Square Footage

The gross area of a building is the sum of all areas of the several floors, including mezzanines, stairwells, and basements having a floor slab and 7'0" or more headroom. Additionally, covered walkways, roofed-over arcways or courts, and similar areas shall be included in the gross area at one half their actual area.

All horizontal measurements shall be taken from the exterior face of enclosing walls, at the plane of the floor.

The following shall not be included in gross area computations: basements having no floor slab or less than 7'0" headroom; pipe trenches; retaining walls; roof overhangs; exterior terraces; and courts open to the sky.

B. Net Square Footage

The net area of individual spaces shown on approved educational specifications and included in the plans shall be measured from the inside face of enclosing walls and partitions. Wall thicknesses shall be excluded.

"Basic Instructional Spaces" (classrooms) shall include the net area of all non-specialized and special-subject teaching areas, including directly-related preparation and equipment storage rooms. Do not include the area of such spaces as ancillary toilets, wardrobes, and teachers' supply closets.

"Miscellaneous Educational Space" shall include the net area of miscellaneous specified or required educational space, such as gymnasium locker rooms, cafeteria dining areas, kitchens, administration offices, health service unit, guidance quarters, teacher workrooms, storage, community rooms and serving rooms.

"Other" square footage is determined by subtracting "Basic Instructional" and "Miscellaneous Educational" spaces, determined as above, from the calculated gross area. Thus, "Other" will include wall thicknesses; corridors, stairways and other circulation space; general storage areas; custodians' closets and receiving areas; toilets; and heating and mechanical spaces.

C. Perimeter

The perimeter of a building shall be the sum of the lineal length of the enclosing walls (including piers, wall extensions, and courts) taken at the plane of the floor at each floor level, including finished basements.

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4.6.2 Grant Computations

Grants shall be computed according to the provisions of Chapter 645 and in accordance with the provisions of the following:

- A. New Construction - as in Chapter 645, provided that if an applicant includes in an approved school project facilities in addition to those required to conform to the program standards and exceed the allowances in these regulations, the cost of such additional facilities and design shall not be included in the estimated approved cost and final approved cost on the basis of which the state construction grant is calculated.

- B. Additions

Allowable space for an addition shall be computed as follows:

The gross square footage of the addition plus the existing structure when completed shall not exceed the space allowances for planned enrollments for buildings of its type.

The grant shall be based on actual costs provided that the gross square footage limits for the entire facility and the square foot cost standard for the addition are not exceeded.

Includable renovation in the original building shall be computed by the method applicable to rehabilitation projects, below.

- C. Renovation Projects

The cost of renovation projects shall be treated as new projects and shall not exceed the estimated costs of equivalent space in new construction computed on the basis of the actual gross square footage of the facility, as derived in accordance with Section 4.4.

- D. Acquisitions

The value of a facility to be acquired shall be determined by the board on the basis of the reports of at least two fee appraisers registered with the Attorney General and retained by the applicant.

The final approved cost of combined acquisition and renovation and conversion work shall not exceed the equivalent costs in new construction.

- E. Central Food Production Facilities

Space and equipment for central food production facilities shall be based on demonstrated need, shall be reasonable, and shall be approved by the School Building Assistance Bureau after consultation with the Bureau of Nutrition Education and School Food Services.



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In cases of new construction, the grant shall be based on actual costs. In cases of acquisition, the value of the facility shall be determined as in D above. Renovation and conversion costs shall be reasonable.

- 4.6.3 Grants approved under these regulations may be computed at not more than the following amounts per square foot provided that other requirements of these regulations have been met. The square foot costs listed below shall include the cost of the general contract, fees, all equipment, allowable site preparation, site development, insurance, contingency amount, and miscellaneous costs and shall apply to projects approved after August 1, 1977.

Elementary School	\$50 per sq. ft.
Middle School/Junior High School	\$53 per sq. ft.
High School	\$56 per sq. ft.
Vocational School	\$60 per sq. ft.

Where it can be demonstrated during planning or thereafter that, despite all reasonable precautions having been taken, site conditions or the location of a project will lead to extraordinary costs, the board in its discretion may increase the otherwise permissible cost.



